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Publications

—OF THE—

Mississippi Historical Society

Volume IX

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PUBLICATIONS

— OF —



THE MISSISSIPPI HISTORICAL SOCIETY

EDITED BY
FRANKLIN L. RILEY
Secretary

VOL. IX

248771
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OXFORD, MISSISSIPPI
PRINTED FOR THE SOCIETY
1906



THE MIRROR
Vol. 11 No. 12

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PREFACE.

This volume of the *Publications* contains for the most part the important results of researches in Mississippi history that have been completed since the appearance of Volume VIII. The first part of the volume contains a number of important contributions to the different phases of State history—military, political, biographical, literary, religious, economic, and aboriginal—which have hitherto engaged the attention of investigators.

The preceding volumes of this series have been devoted largely to the publication of new contributions to the exclusion of much valuable source material which the authorities of the Society have been anxious to give to the public. Upon the suggestion of the editor of these *Publications* and the voluntary surrender of half of the usual appropriations that have been made to the Society for historical publications, the Legislature of the State has provided for the regular and systematic publication in a separate series of all source materials of an official character. As a result of this wise policy the first volume of *Mississippi Territorial Archives*, edited by Hon. Dunbar Rowland, Director of the State Department of Archives and History, appeared in 1905. The Historical Society will continue to publish in connection with "the finished products of research" some of the most valuable unofficial sources of State history. It is hoped that in the future more space in its *Publications* will be available for this important class of contributions. The reader will be gratified to find three valuable contributions of this character in the current volume.

The appearance of this volume marks the inauguration of another long-cherished plan of the editor,—the republication of very rare contributions of great historical value which, having been originally printed in ephemeral form in the remote past, are now inaccessible to investigators. The demand for this class of publications has been rendered almost imperative by the rapid development of historical investigation in Mississippi.

F. L. R.

UNIVERSITY, MISSISSIPPI, November 1, 1906.

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OFFICERS FOR 1906.

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All persons who are interested in the work of the Society and desire to promote its objects are invited to become members.

There is no initiation fee. The only cost to members is, annual dues, \$2.00, or life dues, \$30.00. Members receive all *Publications* of the Society free of charge.

Address all communications to the Secretary and Treasurer of the Mississippi Historical Society, University P. O., Mississippi.

PROCEEDINGS OF THE EIGHTH PUBLIC MEETING OF THE MISSISSIPPI HISTORICAL SOCIETY.

BY FRANKLIN L. RILEY, *Secretary.*

The eighth public meeting of the Mississippi Historical Society was held at Jackson, Miss., on January 4th and 5th, 1906. All the sessions were presided over by Gen. Stephen D. Lee, of Columbus, Miss., the efficient President of the Society.

The first session of the meeting, which was held in the Hall of Representatives on Thursday evening, January 4th, was attended by a large and distinguished audience. Supt. E. L. Bailey, of the Jackson city schools, delivered an eloquent and inspiring address of welcome, which was responded to by the Second Vice-President of the Society, Hon. E. F. Noel, of Lexington, Miss. Mr. Noel's address was devoted principally to the historic services which Mississippi has rendered to the world, in being the first government to recognize the right of married women to own property in their own name, and in providing for a state school for the higher education of its women. It was also the first Southern State to adopt suffrage reforms not in conflict with the war amendments to the Federal Constitution, that placed the control of its government in the hands of its white citizens.

After referring in appreciative terms to the valuable services rendered by the society through its publishing activity Gen. Lee introduced Hon. W. Calvin Wells, Jr., who in the absence of the author presented a paper by Col. Wm. A. Love on "Mississippi at Gettysburg" (see page 25). At the conclusion of this paper General Lee gave some interesting facts, which it recalled to his mind, concerning the heroic death of General Barksdale, who lost his life in this bloody fight.

Prof. J. W. Garner, a native Mississippian, who is now Professor of Political Science in the University of Illinois and who has made some valuable contributions to the *Publications of the Mississippi Historical Society*, was then introduced to the audience. He made some interesting remarks regarding the rapid and highly gratifying development of historical work in

the South and particularly in Mississippi, which has been in the forefront of this great movement. He made special reference to the valuable work that is now being done in the publication of county histories of reconstruction, and stated that this local work must be thoroughly done before a true history of reconstruction in Mississippi can be written. He also made some remarks with reference to the *personnel* of the Legislature of Mississippi in 1870, contrasting it with the Legislature of the State which had just assembled. This contrast was extended to the local officials in the different parts of the State. Especial attention was directed to the rate of taxation under negro and carpetbag rule, when the levy rose from 1 to 14 mills in four years.

General Lee appointed the following Committee on Nominations: Hon. Dunbar Rowland, Dr. Beverly W. Bond, Jr., and Hon. J. R. Preston. The Secretary then announced the program for the second and third sessions of the meeting and the Society adjourned to meet the following morning in the Hall of History.

The second session of the meeting convened in the place appointed, January 5th, at 10:30 a. m. A valuable contribution, entitled "A Sketch of the Old Scotch Settlement at Union Church" (see page 263) by Rev. C. W. Grafton, was read by the Secretary of the Society. General Lee then made some remarks about the importance of the Scotch element in our population. The Secretary of the Society also called attention to an Irish settlement in Jasper County and to other Scotch settlements that were made in Mississippi at an early date and spoke of the importance of promptness in the writing of their histories. He also made some suggestions that would be helpful to investigators undertaking this work. Hon. W. Calvin Wells spoke of the records of the Clinton Presbytery, the existence of which he had learned of accidentally.

An interesting paper by Judge Baxter McFarland on "A Forgotten Expedition to Pensacola, in January, 1861" (see page 15), was presented to the Society. General Lee then made some remarks on the number of Southern troops in the war, stating that he had changed his mind on the subject at least three times. He now thinks that on January 18, 1864, there

were about 480,000 men on the Confederate rolls, that there were altogether about 8,000,000 men enlisted in the Southern army and that it lost over 2,000,000. The Secretary of the Society called attention to Garner and Lodge's *History of the United States*, written by a Southern and a Northern man, as the latest attempt to make an impartial history of our country. He also expressed a doubt whether the people of either section are prepared to accept an absolutely impartial history. Hon. W. Calvin Wells related his experiences in attempting to get data for a history of his regiment. He said that the greatest difficulty arises from the fact that the roster of a company one day is not a roster of that company the next. He referred to one company that has not to-day a single survivor, and urged upon the Society the importance of doing prompt work in this field of investigation. The Secretary then announced the program for the third session, and the Society adjourned.

The third session of the meeting was held in the Hall of Representatives on the evening of Friday, January 5th. Dr. Beverly W. Bond, Jr., Assistant Professor of History in the University of Mississippi, read a valuable paper, entitled "Monroe's Efforts in Behalf of the Mississippi Valley During His Mission to France" (see page 255). Hon. W. Calvin Wells made a report on the progress of his researches in the history of "Reconstruction and its Destruction in Hinds County" (see page 85). General Lee then made some valuable observations on the important services rendered by the Ku Klux Klan in Mississippi. Prof. Brunson read part of a contribution on "A Brief History of Political Parties in Mississippi," which he is preparing for the *Publications of the Mississippi Historical Society*.¹ The abstract of a paper on "The Life and Literary Services of Dr. John Monette" (see page 199) was presented by the writer.

The following papers were presented by title: "Grierson's Raid,"² by Dean S. A. Forbes, of the University of Illinois, Urbana, Ill.; "Reconstruction in Monroe County" (see page 53), by Hon. George J. Leftwich, of Aberdeen, Miss.; "The

¹This paper was not completed in time to appear in this volume of the *Publications*.

²This paper was not submitted to the editor in time for insertion in this volume of the *Publications*.

Enforcement Act of 1871 and the Ku Klux Klan in Mississippi" (see page 109), by Hon. J. S. McNeilly, of Vicksburg, Miss.; "Some Notes on the Reconstruction Period,"² by Capt. W. T. Ratliff, of Raymond, Miss.; "Reconstruction in Pontotoc County,"² by Mr. Luther A. Smith, of Toccopola, Miss.; "A Trip to Jackson in 1840" (see page 173), by Judge J. A. Orr, of Columbus, Miss.; "The Public Services of E. C. Walthall" (see page 239), by Prof. Alfred W. Garner, of Simmons College, Abilene, Texas.; "Lands of the Liquidating Levee Board Through Litigation and Legislation" (see page 273), by Mr. J. W. Wade, of Greenwood, Miss.; "History of the Formation of Monroe County,"² by Mr. H. S. Halbert, of Montgomery, Alabama; "Historic Localities on Noxubee River" (see page 315), by Col. Wm. A. Love, of Crawford, Miss.; "Pearl River and Biloxi in Early Maps with Illustrations,"² by Mr. Wm. Beer, of New Orleans, La.; "A Contribution to the History of the Mississippi Colonization Society" (see page 331), by Dr. Franklin L. Riley, of the University of Mississippi; "The Development of Manufacturing in Mississippi,"² by Dr. A. M. Muckenfuss, of the University of Mississippi; "The Presidential Campaign of 1844 in Mississippi" (see page 179), by Prof. J. E. Walmsley, of Millsaps College, Jackson, Miss.

The Committee on Nominations submitted the following report, which was unanimously adopted:

President, General Stephen D. Lee; First Vice-President, Dr. R. W. Jones; Second Vice-President, Hon. E. F. Noel; Archivist, Chancellor R. B. Fulton; Secretary and Treasurer, Dr. Franklin L. Riley; Executive Committee (in addition to the officers), President J. R. Preston; Mr. James M. White; Prof. George H. Brunson; Bishop Charles B. Galloway.

Hon. J. R. Preston offered the following resolution, which was unanimously adopted:

"Resolved, That the thanks of the Mississippi Historical Society are respectfully tendered to the citizens of Jackson for their courtesies and to the honorable Legislature for the use of the Hall of Representatives, and for the liberality they have shown in the appropriations to support the work of the Society and of the Department of Archives and History.

"We congratulate the State upon the splendid results achieved by the Department of Archives and History, and urgently beseech the repre-

²This paper was not submitted to the editor in time for insertion in this volume of the *Publications*.

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sentatives to continue appropriations necessary to expand and carry forward this work, which is reflecting lustre upon the patriotism of the State, preserving the renown of the noble dead, promoting the pride of the hopeful living, and setting an example to be followed by the immortal unborn."

The Society then adjourned subject to the call of the Executive Committee.

A FORGOTTEN EXPEDITION TO PENSACOLA IN JANUARY, 1861.

BY BAXTER McFARLAND¹.

Early in January, 1861, an expeditionary force was sent from Mississippi to the vicinity of Pensacola, Fla., to which only one or two State histories make even passing reference and concerning which no official paper or record can be found in the State archives.

The expedition was projected during the most critical period in the history of the State, at a time when every movement made and every step taken by her people for the protection of their liberties and autonomy have historic value. Although it was unattended with visibly notable results, it well illustrated the temper and spirit of the South in that dark hour, and should therefore not be suffered to pass into oblivion without an effort to rescue it from that fate.

The desire to do this, at least partially, led to the preparation of this brief and imperfect sketch.

Questions touching rights of the people of the South had long agitated the entire country, and the sections became more and more estranged as these controversies went on, but the South

¹Judge Baxter McFarland was born May 15, 1839, on "Woodson's Ridge," Lafayette County, Mississippi. His parents, George Washington McFarland (1806-1857) and Ann Katharine (Clarke) McFarland (1811-1860), were born in Moore County, N. C., and were married there in 1832, removing to Mississippi in 1834. Ten years later they settled in Chickasaw County, Miss., where the subject of this sketch was reared. Their grandparents all came to North Carolina from the Highlands of Scotland in colonial times. Judge McFarland's grandfather, Bartholomew (called "Parlane" in the Gaelic) McFarland settled in North Carolina between 1770 and 1772, when twelve or fourteen years old, with his father, John McFarland (1730-1800). Walter McFarland, the grandfather of John McFarland, and two of his brothers, sons of Andrew MacFarlane, chief of the ancient Highland Clan MacFarlane, were killed under Marlborough in the battle of Malplaquet in 1709. Andrew MacFarlane, through an unbroken male line of chiefs extending back for 600 years, was descended from the Earls of Lennox, and they in unbroken male line 150 years through kings, from Kenneth MacAlpin I, crowned King of Scotland in the middle of the ninth century.

Judge McFarland's legal education was partly obtained at the University of Mississippi. He began the practice of his profession at Houston, Miss., in partnership with Hon. J. Matt. Thompson, in November, 1860.

In January, 1861, he accompanied the "Chickasaw Guards" on the Pensacola expedition, and in the following April to Corinth, the company

was reluctant to separate from the Union and delayed so long as it had hope that it could remain with honor and safety.

The election of Mr. Lincoln in the fall of 1860 put an end to such hopes.

It was felt by nearly all that the day of argument, of protest, of appeal, had forever passed, and that there were left but two alternatives—submission or separation.

The South chose the latter as the only course open to it compatible with the honor and dignity of a free and brave people.

A sense of wrong and injustice, constantly growing deeper as the forces threatening them grew more and more formidable and aggressive, finally overcame the lingering desire to remain in the old Union, and the Southern people at last turned their faces towards a government to be established by and for themselves, and soon became so much absorbed in the affairs of the new situation that all other concerns, whether of business or pleasure, were put aside. Every thought, every feeling, every effort was given in support of the great cause.

there becoming part of the Eleventh Mississippi regiment, which was mustered into the Confederate service at Lynchburg, Va., on May 13, 1861.

He was "orderly" sergeant, then lieutenant, and participated in the battle of Seven Pines and in the fighting around Richmond, receiving a desperate wound at Gaines Mill. In the spring of 1863 he was appointed adjutant of the Forty-first Mississippi regiment, transferred to the Army of Tennessee, and took part with that regiment in the battles of Chickamauga and Missionary Ridge. In the spring of 1864 he was appointed assistant adjutant-general, with the rank of major, and was in the fighting around Dalton, the battle of Resaca, the Atlanta campaign, Franklin, Nashville, etc.

After the close of the war he practiced law for several years at Houston, in partnership with Judge J. A. Orr and Col. J. Robert McIntosh.

On the 15th of June, 1870, he married Miss Mary A. Holliday, daughter of Col. John Holliday, of Aberdeen, Miss., and maternal granddaughter of Gen. Jesse Speight, who at the time of his death (1847) was a United States Senator from this State. Shortly afterwards Judge McFarland removed to Aberdeen and formed a partnership with Gen. Reuben Davis. He is still actively engaged in the practice of his profession, being now in partnership with his youngest son, Ben H. McFarland.

On the 29th of August, 1883, he was appointed Chancellor of the first chancery district, which office he held for sixteen years—four terms of four years each. He has been first vice-president of the State Bar Association and has often been a delegate to county and State Democratic conventions, but has never sought nor desired political office. In addition to his professional duties he has large planting and other business interests that demand much of his time.

A more detailed sketch of the life of Judge McFarland will be found in Goodspeed's *Biographical and Historical Memoirs of Mississippi*, Vol. I, p. 1188, and in *Confederate Military History*, Vol. VII, p. 410.—EDITOR.

Preparations for the war impending were everywhere energetically pushed, with the grim determination to meet force with force, if resorted to. The people of the South were agitated and excited as never before in the history of the country. The young and the old, men, women and children of every condition in life, were roused to the highest pitch. The young men rushed to arms amidst the fervent plaudits of its devoted women.

Secession was regarded as the proper means of effecting a separation, and shortly after the November election of 1860 conventions were called in a number of the States to bring it about. The Mississippi "secession" convention met on January 6, 1861, and passed the ordinance of secession on the 9th; that of Florida met January 3d, seceding on the 10th; and that of Alabama assembled on January 7 and seceded on the 11th. South Carolina had already seceded, and other States it was certain would soon follow.

That the seceding States would at once secure and retain possession so far as practicable of the forts, arsenals, arms, equipments, etc., within their borders, rendering mutual assistance where needful for the accomplishment of that purpose, was a foregone conclusion. The forts and arsenals in the neighborhood of Pensacola were looked upon as highly important strongholds in the defence of the harbor and coast, and their possession of great value to the South, especially to the Gulf States, and the authorities of Mississippi and Alabama determined to send troops to assist Florida in seizing and holding them in advance of the formation of the new general government. On the 8th of January, 1861, Governor Moore of Alabama ordered the Second Alabama regiment, Col. Tennant Lomax commanding, to the neighborhood of the Warrington Navy Yard and of Fort Barancas, and about the same time Governor John J. Pettus ordered a force consisting of eight companies of Mississippi troops to meet on the 11th of January at Enterprise, where they, or several of them, assembled on that date.

Whilst rendezvousing at that place the soldiers, nearly all of whom were educated young gentlemen—many of them highly gifted—spent most of the time in making and listening to patriotic and inspiring speeches. At night, by the flickering light of pine-knot fires, mounted upon boxes, barrels, etc., scattered over the

camp, could be seen eloquent orators, surrounded by dusky groups of enthusiastic young soldiers, whose impassioned cheers rang wildly out over the shadowy forests. The feeling was intense and the bosoms of these gallant volunteers glowed with ardent patriotism. The sudden call to arms found them ready, and in responding they fully expected soon to be fronting the foe in deadly conflict.

On the 12th of January, 1861, two days after Florida had seceded, Lieut. A. J. Slemmer, First U. S. artillery, in command of a small garrison in Fort Barrancas, probably to avert an anticipated demand for its surrender, evacuated that place, spiking over forty guns there and at the Navy Yard, transferring the garrison to Fort Pickens, situated on the west of Santa Rosa Island, whence it commanded the approach to Pensacola Harbor and Bay.

On the 13th of January the force gathered at Enterprise was sent by rail to Mobile and thence by steamers to the Navy Yard at Pensacola. These companies, along with other volunteer organizations, had been formed in anticipation of war between the sections, were armed and equipped, and their *esprit de corps* was superb. Notwithstanding there was no authority to send them beyond the borders of their own State, the volunteers did not hesitate. In this crisis they pushed forward with patriotic alacrity to the assistance of their neighbors and ally.

The companies were the "Chickasaw Guards" (of which the writer was a member), from Chickasaw County, Wm. F. Tucker captain, L. W. Galbraith first lieutenant, J. H. Moore second lieutenant, Dr. W. C. White third lieutenant; the "Columbus Riflemen," from Lowndes County, Charles H. Abert captain, W. E. Baldwin first lieutenant, Sam D. Harris second lieutenant, J. W. Benoit third lieutenant; the "Lowndes Southrons," from Lowndes County, Wm. B. Wade captain, George H. Lipscomb first lieutenant, T. P. Shields second lieutenant, W. C. Richards third lieutenant; the "Prairie Guards," from Noxubee and Lowndes Counties, J. W. T. Hairston captain, A. H. Ledbetter first lieutenant, James H. Hairston second lieutenant, Wm. H. Gray third lieutenant; the "Noxubee Rifles," from Noxubee County, George T. Weir captain, J. H. Rives first lieutenant, Wm. Longstreet second lieutenant, Joseph Koger Dixon

third lieutenant; the "Enterprise Guards," from Clarke County, John W. O'Ferrall captain, W. S. Reynolds second lieutenant, and Andrew E. Moody third lieutenant (R. Stewart Weir resigned as first lieutenant a few days before the company started, was later captain of another company, and died in 1862 with that rank); the "Lauderdale Rifles," from Lauderdale County, Con. Rea captain (Will Whitaker, Laines Lasley, Dr. A. J. Crawford—or Crumpton, or Wm. Spinks—were the lieutenants, as well as can now be ascertained); the "Quitman Light Infantry," from Clarke County, J. L. Duck captain, F. G. Nicholson first lieutenant, William Hughes second lieutenant, J. E. Hardy third lieutenant, as well as now can be learned.

There has been much difficulty in ascertaining the names of some of the lieutenants in the three companies last mentioned, the memories of the few members of those companies who can be found at this late day have grown dim, but no pains have been spared to give the names of the officers of all the companies in the expedition as accurately as possible.

At Mobile the Mississippians were joined by two Alabama companies, the "Alabama Light Dragoons," Capt. Theodore O'Hara (author of "The Bivouac of the Dead"), and the "South Alabama Rangers," Lieutenant Ripley.

On the way from Mobile to Pensacola the weather was rough, the waves high, and many of the soldiers suffered greatly from seasickness. When the steamer bearing part of these troops passed Fort Pickens, at the entrance of Pensacola Harbor, the Federal garrison stood to their guns, apparently with the intention of firing into and sinking the frail craft and all on board, but the demonstration proved to be no more than a military observance, and the troops kept on their way, landing without molestation upon the Navy Yard pier, where they disembarked, the companies marching to the marine hospital, in which they quartered during the campaign.

The position to which the Mississippi troops were assigned was about one mile east of the Navy Yard and 600 yards from the beach, fronting Fort Pickens. This fort was then occupied by a garrison of about eighty men under Lieutenant Slemmer, and was distant about two and three-fourths miles.

Fort Barancas was to the west about half a mile, and was occupied by the "Montgomery Blues" and possibly by other Alabama troops. That State then had upon the ground a regiment under command of Colonel Lomax. Florida ordered two companies to Pensacola, but the order was countermanded before they reached there, and therefore that State had very few troops in the vicinity at that time.

A day or two was spent by the soldiers, mostly in arranging their quarters and in preparing ball cartridges, then almost exclusively in use, under orders to be ready with fifty rounds of ammunition and upon the alert for a call to arms at any moment.

On the 17th day of January the companies were organized into a regiment, of which Captain Charles A. Abert was elected colonel, Capt. William B. Wade lieutenant-colonel, and Samuel F. Butler major, the election having been made by the company officers. Captain Duck was appointed adjutant, William H. Brown quartermaster, Charles S. Morton or Hugh Topp commissary, Richard Murray quartermaster-sergeant, H. Lyons sergeant-major, Dr. W. D. Lyles surgeon, Dr. B. A. Vaughan and Dr. C. M. Dickinson assistant surgeons.

The companies were industriously drilled upon the deep sand of the shore, almost blinding in its glittering whiteness, and the men feasted upon fish and oysters. They also assisted in the erection of sand batteries upon the shore fronting Fort Pickens and Santa Rosa Island. In these labors they were joined by Alabama troops under Colonel Lomax.

There were regimental dress parades in the evening, guard mountings in the morning; and reveille became a familiar early morning sound to the unwilling ears of the drowsy soldiers, who quickly conformed, however, to the unaccustomed routine. In a few days the soldiers of each side settled into a state of watching and waiting, after which little of interest occurred—nothing save the dull routine of camp life. Occasionally some unusual movement of the *Brooklyn*, *Wyandotte*, and one or two other United States war ships, hovering in the offing out near Fort Pickens, attracted attention, but it soon became apparent that for some time at least no attempt would be made to retake the forts.

Meantime, in those days of tense excitement and strenuous activities, developments were swiftly going forward, and the phases of affairs constantly changing as events took their rapid course. New objective points and other theaters of military operations swung into view and soon lessened the early importance of Pensacola and its surroundings. Attention quickly turned to these later centers of activity and the immediate need for troops elsewhere began to be realized. The sudden expedition to Pensacola, having practically accomplished the purposes for which it was sent, was nearing its end.

On the 31st of January Gen. Charles Clarke came down from Mississippi to look over the situation. In the condition of affairs at that time it was deemed unadvisable to precipitate hostilities by an attack upon Fort Pickens, especially with new troops, destitute of artillery and supplies, and it was evident that no early effort would be made by the Federal troops to recover the forts in possession of the Southern soldiers. Neither side was quite ready to take the initiative in hostilities. Both were energetically pushing preparations for the great conflict, and both acted with wary circumspection in the pause before the storm broke.

There being no necessity for the Mississippi troops to remain longer at that point, and the limited fund for their maintenance having been exhausted, Gen. Charles Clarke, on the 1st of February, 1861, "mustered out" the companies from this State, and on the 4th of February the "Chickasaw Guards," the "Prairie Guards," the "Lauderdale Rifles" (which disbanded), and the "Quitman Light Infantry" embarked upon the steamer *Dick Keyes* for Mobile, proceeding thence by rail to their respective homes, arriving about February 6th. The remaining companies left camp on the 6th and reached their homes on the 7th and 8th of February.

This military episode—sudden and brief—occurred nearly forty-six years ago and has long since been forgotten, but it must be judged in the light of contemporaneous conditions rather than by visible military results. It was regarded at the time as of significant importance, aroused great interest and enthusiasm, and was the subject of wide and excited comment at home and abroad. It strengthened the determination and

increased the confidence of the people all over the South, and was everywhere regarded as a test of the spirit, devotion and purpose of her people.

It was the first aggressive movement in which Southern States acted in concert, and dispelled all doubt as to their future coöperation. The moral effect greatly exceeded in value and importance all other resulting physical advantages. It is, therefore, perhaps impossible for any to measure its full influence except those who felt and observed it. Until Sumter it was the most formidable of the operations in which separate States acted together. Knowledge of this intended military movement in aid of Florida doubtless hastened the abandonment of several other important forts and arsenals in that State, as well as of others along the coast in other States, and quickened movements to capture all the forts in the borders of the South. Very soon Fort Pickens and Sumter were all that held out.

The young Mississippians in that expedition were nearly all scions of the best families in the State and the highest types of Southern gentlemen of the olden times, and in the mighty conflict that soon followed displayed a constancy and valor rarely equaled and never surpassed, freely shedding their blood, many of them yielding their lives, in defence of a cause they believed right.

A number of them rose to military commands of importance. Capt. William F. Tucker, after serving in Virginia one year at the head of his company, the "Chickasaw Guards" (Company H in the Eleventh Mississippi infantry regiment), raised the Forty-first Mississippi regiment, of which he at once became colonel, and later was made a brigadier-general. He was twice severely wounded, first in one, then in the other arm, and after having passed through the perils of the war was foully assassinated at his home a few years after its close. A gallant soldier, a splendid officer, impetuously brave, he was a man of heroic mold. The writer served in intimate relations with him through most of the war and cannot forbear, in passing, this brief tribute to the character and worth of a dead comrade. He was a patriot, a noble gentleman, and a good man.

Maj. Sam F. Butler became lieutenant-colonel of the Eleventh Mississippi regiment—as gallant a command as ever met a foe—

and along with the lamented Frank Liddell, its knightly colonel, and the brave T. Sidney Evans (who was with the Pensacola expedition), its major fell, as became soldiers, at Sharpsburg.

Kennon McElroy, a member of the "Lauderdale Rifles," became colonel of the Thirteenth Mississippi regiment, under Longstreet, and perished at the head of his men in a bloody charge upon Fort Sanders, near Knoxville, Tenn.

Capt. W. E. Baldwin became colonel of the famous Fourteenth Mississippi regiment, later was a brigadier-general, and unfortunately, toward the close of the war, was killed by a fall from his horse in Mobile.

Captain George H. Lipscomb, as major of the Twenty-seventh Mississippi regiment, fell gallantly in the sanguinary battle of Perryville, Ky.

Capt. William B. Wade had a distinguished career as colonel of a cavalry regiment, often in command of his brigade, and was murdered in Columbus shortly after the war by soldiers of the Federal garrison at that place.

Capt. J. W. O'Ferrall became a brigadier-general of State troops, and died about 1894 at Enterprise.

Many others became officers, and all the members of the companies in that campaign, save a few too old for service, served with distinguished gallantry, a large proportion of them having been killed or disabled during the war.

After long and patient inquiry, this sketch contains all that has been ascertained of that campaign. But few of those in it survive, and most of the survivors accessible have forgotten much that took place, and there are no records of the expedition, so far as known to the writer.

MISSISSIPPI AT GETTYSBURG.

By WILLIAM A. LOVE.¹

It is not the purpose of the writer to discuss technically the maneuvers of the two armies leading up to Gettysburg, or to describe specifically the battles that followed, but rather to recount the deeds of Mississippians who shared the glory of victory and bitterness of defeat in those sanguinary struggles.

It is appropriate, therefore, in the outset to refer to the difficulties encountered in securing first-hand information from actual participants. Forty years and more have come and gone; the commercial and industrial strides following a rehabilitated country have separated far and wide the survivors, and the great conqueror death has been ever on the march.²

Gettysburg was the only battle of the War between the States fought north of Mason and Dixon's line. Although its fields of operations have been visited by tourists from all quarters and studied in its tactical and strategetical maneuvers by military men of the world, it is less understood, or more misunderstood, in the South than is any other battle of this great conflict.

This is probably due to the fact that the Pennsylvania campaign consumed but eighteen days, consisting of a rapid march into the enemy's country, a three days' battle and a retrograde movement, followed by defensive operations to the close of hostilities. The disastrous results to the South immediately following the war precipitated such a struggle for civil and political existence as to overshadow for a time everything else. So the history of Gettysburg is mainly the work of Northern writers. True, the part performed on the afternoon of the third day by one division of General Longstreet's corps has received the attention of many Virginia contributors to military literature, but as that division did not reach the firing line until after 15,000 Confederate soldiers had been killed, wounded, and captured, and

¹A biographical sketch of the author of this contribution will be found in the *Publications of the Mississippi Historical Society*, Vol. VII, p. 351.
—EDITOR.

²Grateful acknowledgment is made to various survivors of the Pennsylvania campaign for material upon which this sketch is based. Their contributions will be carefully preserved.

as its companion division of General Hill's corps suffered in that action equally, if not worse, in casualties, it is evidently unfair to accept its exploits, however grand and glorious, as a complete history of even one of the half dozen separate and distinct battles fought around Gettysburg. Nor is it fair for North Carolina historians to claim superiority for their troops in the third day's battle on the basis of losses which it is evident were sustained for the most part in the battle of the first day.

Soldiers of twelve Southern States share the honors of victory and the grandeur of defeat in that defensive-aggressive campaign, and it is only a question of time when they will assume their proper place in history.

Mississippi was represented on the fields of Gettysburg by the infantry brigades of Davis of Heth's division, Hill's corps, consisting of the Second, Eleventh, and Forty-second Mississippi regiments and the Fifty-fifth North Carolina regiment, which was temporarily assigned to it; Barksdale's brigade of McLaw's division, Longstreet's corps, consisting of the Thirteenth, Seventeenth, Eighteenth, and Twenty-first regiments; Posey's brigade of Anderson's division, Hill's corps, consisting of the Twelfth, Sixteenth, Nineteenth, and Twenty-first regiments; Ward's Mississippi battery (the Madison Light Artillery) of Poague's battalion, which was attached to Pender's division. In addition to these infantry-artillery forces from Mississippi, the Adams County troop of cavalry, the Chickasaw Rangers, and the Kemper County cavalry of Hampton's brigade, Stuart's division, also took part in the battle of Gettysburg.

These troops were, in the main, veterans, having volunteered before hostilities began and having participated in most of the great battles in Virginia, from first Manassas to Chancellorsville. They had met the Army of the Potomac under every condition of warfare and had experienced every phase of fighting, both offensive and defensive, not infrequently meeting the enemy in the open, where they disproved more than once the Napoleonic axiom that "success is always on the side of the strongest battalions." Time and again had they assisted in driving back "on to Richmond" demonstrations, and now "the finest army on the planet" was outgeneraled and beaten at Chancellorsville and compelled to seek cover behind the Rappahannock. The time

seemed auspicious for another aggressive movement, forcing further retirement, but after a long delay invasion instead was determined upon and the necessary strategic maneuvers were executed and the initial move of the campaign made.

On crossing the Potomac into the enemy's country there was in the rank and file that buoyancy of spirit, firmness of purpose, and self-confidence characteristic of an invading and hitherto invincible army. In *morale* it was unsurpassed, and, except in point of equipment, a stronger and more reliable force, numerically considered, never existed.

Since the Mississippi commands were in different divisions, and fought separately and on different ground in the several battles, they are treated of consecutively and in the order of their engagements.

From a diary kept by G. W. Bynum^s of Company A, Second Mississippi, penciled on the line, on the march, and in the camp, the following extracts are made:

"June 10, 1863.—We have been lying in the entrenchments (at Fredericksburg) for three or four days. All quiet except an occasional shot from the artillery. General Lee has gone up towards Culpeper Court-house with Longstreet's corps.

"June 14.—The Yankees this side of the river fell back last night, and we moved up near Falmouth, which is situated on the opposite side of the Rappahannock, two miles above Fredericksburg.

"June 15.—The enemy's pickets retired last night, except their videttes. Tom Arnold, Corporal Patrick and myself went across the river to reconnoiter. The few videttes fell back when they saw us wading the river. When we appeared in the streets of Falmouth I never saw a happier people. The old men and ladies happily met us with a cordial handshake, their eyes brimming with tears of joy. We went through the village to the enemy's camp on Stafford Heights, and then returning found the brigade (Davis's) on the march. To-night we are camped near the Wilderness battle-field.

"June 17.—Arrived at Culpeper about 10 o'clock and camped.

"June 18.—March continued to-day. Very warm and disagreeable. Several of the boys were overheated and fell out of ranks, Brother Turner² among them. We are now camped on a high hill on the north side of the Rappahannock.

"June 19.—Still on the march. Camped to-night within seven miles of Front Royal.

"June 20.—Crossed the Blue Ridge and waded the Shenandoah river. Camped in three miles of Front Royal.

²There were six Bynum brothers in this company, and although often wounded they all survived the war.

³He was a member of the Second Mississippi and fought the first day at Gettysburg. He was so close on the enemy when wounded that the paper attached to the old-fashioned cartridge was forced into his leg. However, he had his wound dressed, rested on the second, and went into the assault on the third, and came out with three others of his company.

"June 21.—Left the Winchester pike and passed through White Post, and are now camped near Berryville. General Longstreet's corps is here also.

"June 22.—Rested to-day.

"June 23.—Left camp this morning about noon; passed through Berryville and Reppan, and now we are camped near Charlestown, a place made famous by the hanging of John Brown.

"June 24.—Passed through Charlestown and are now in two miles of Shepherdstown on the Potomac.

"June 25.—Crossed the Potomac by wading and passed through the battle-field of Sharpsburg, which was fought September 17, 1862. Much sign of the conflict is visible. The low mounds which cover the bones of those who fell, the furrowed ground and scarred trees, all speak more plainly than words of that terrible conflict. I saw the ground over which we charged on that memorable occasion and the very spot where I was wounded. Sad, sad thoughts are recalled by again reviewing the old battle-ground. To-night we are camped near Hagerstown, Md.

"June 26.—To-day we crossed over into Pennsylvania. The people appear to be badly frightened on account of our presence.

"June 27—To-day one year ago we were fighting around Richmond. To-night a large portion of Lee's army is across the mountain. We are now camped at the base of Cumberland Mountain, near Greenwood, Pa.

"June 28.—Remained in camp cooking rations. Our army is pressing a number of horses into the Confederate service.

"June 29.—Marched across the mountain and camped near Cashtown. Saw where Longstreet's corps destroyed Thad. Stevens's iron works.

"June 30.—Remained in camp to-day. Raining."

⁴The following brief extracts from the diary of F. L. Riley, a private in Company B, Sixteenth Mississippi, will be of interest to many Mississippians:

"June 5, 1863.—We march to the front and occupy the works about Fredericksburg, the Yanks having crossed the river. Skirmishing incessantly. We remain in the ditches to the 14th inst.

"June 14.—To Chancellorsville.

"June 15.—Cross Rapidan River at Germania.

"June 16.—To Culpeper,

"June 17.—Waded Hazel River.

"June 18.—To Flint Hill.

"June 19.—Crossed Blue Ridge Mountains to Front Royal; waded South and North Shenandoah Rivers.

"June 20.—To Whitepost.

"June 21.—To Berryville.

"June 23.—To Charlestown.

"June 24.—Waded Potomac River at Shepherdstown. To Sharpsburg and Petersburg, Md.

"June 25.—To Boonsboro and Funktown, Md.

"June 26.—To Hagerstown, Md. To Middleburg (which is on the line of Md. & Pa.). To Greencastle, Pa.

"June 27.—To Marion and Chambersburg, Pa. We rested here three days.

"July 1, 1863.—To Fayetteville, New Salem and Gettysburg. Fight—Yanks driven.

"July 2 and 3.—Fight continues. Tom Shorter wounded and afterwards captured.

"July 4.—To Fairfield, Pa.

"July 5.—To Wainsburg, Pa.

"July 6.—To Lightwoodburg, Md.

"July 7.—To near Hagerstown, Md., where we rested two or three days."

This concise diary might be continued with interest to survivors of the Second regiment, and indeed of the rest of Davis's brigade, for they marched together and fought together; and it might also furnish valuable data for the use of future historians, but as the writer confines himself to the personal experiences and observations of participants in the battle of Gettysburg, the extract serves his present purpose. A diary is far more reliable than recollections and in many instances preferable to official reports.

THE FIRST DAY'S BATTLE.

On June 30th, General Heth, in camp at Cashtown, secured permission to send to Gettysburg for supplies, principally shoes, of which his troops were in great need. General Pettigrew's North Carolina brigade was selected for the duty. Advancing in that direction, he soon discovered the enemy and withdrew, as his force was too small to bring on an engagement. The next day, July 1st, the brigades of Archer (Tennessee) and Davis (Mississippi) were ordered forward. On passing Pettigrew's men the Mississippians were told that they would have only Pennsylvania militia to fight. But at the point where the Chambersburg pike crosses Marsh creek, three miles west of Gettysburg, they encountered two brigades of Buford's cavalry. Skirmishers were thrown forward, and the great battle of Gettysburg was on.

Archer advanced on the south and Davis on the north of the pike, supported by artillery. Additional cavalry was hurried to the front, and, joining Buford's dismounted force, endeavored with carbines to check the advance. The advantage of rapid-fire guns and the protection afforded by fences, trees, etc., made the resistance more formidable than would be expected from militia; but the impetuous Southerners pressed onward and drove the enemy back to Willoughby Run. Here they encountered Gamble's cavalry brigade, also dismounted and supported by artillery, and the fight became stubborn and long drawn out.

General Reynolds, commanding the First Union corps, with Wadsworth's division, now arrived and took position in the rear of the cavalry. The leading regiments of Cutler's brigade, in relieving the cavalry, came into action confronting the Second

and the Forty-second Mississippi and the Fifty-fifth North Carolina, commanded respectively by Colonels Stone, Miller, and Conally.

The Eleventh Mississippi was left at Cashtown guarding the trains and did not participate in this battle.

Realizing the magnitude of resistance, but remembering the achievements of the past, the Mississippians nerved themselves for the arduous task, and with that inimitable "rebel yell" rushed forward to within almost bayonet reach before the steady lines of Cutler gave way. The advance was continued over a well defined line of dead and wounded Federals. Many prisoners were captured, together with two beautiful silk flags.

After the repulse and while crossing an old abandoned railroad cut, orders were given for a new alignment, and during the partial confusion incident thereto a Wisconsin regiment, marching on the left flank of Archer, changed front, and, charging up the cut, captured Major Blair and a number of men belonging to the Second Mississippi. Archer being in the woods, his right was overlapped by Meredith's Union Brigade, which, taking him in the flank and the rear, captured him and a large portion of his brigade.

General Reynolds, while personally directing the extension of his line, was killed in front of the woods. Why these two Confederate brigades were ordered or allowed to fight their way into the midst of the First Union corps without proper or timely flank support, has not been explained by historians.

Reinforcements, however, afterwards arrived, and the Confederate battle lines were extended and the enemy driven through Gettysburg in great confusion, losing over five thousand prisoners.

Early in the action, when the boys were "drivin' 'em," as in the early days of the war, the gallant Colonel Conally of the Fifty-fifth North Carolina was wounded, and when asked by Major Belo of the same regiment if seriously hurt, replied: "Yes, but the litter-bearers are here; go on and don't let the Mississippians *get ahead of you*."

Colonel Stone of the Second was wounded, and the command devolved upon Lieutenant-Colonel Humphreys. The Forty-second Mississippi was comparatively a new regiment, having

been organized in May, 1862, and Gettysburg was its first "baptism of blood." If any doubt existed as to its fighting qualities, they were dispelled that day. Colonel Miller was an early volunteer, and commanded Company G "Pontotoc Minute Men," in the Second, until the formation of the Forty-second, and on this occasion fought his regiment fully up to the high standard set by the Second and Eleventh.

The loss of Davis's brigade in this day's action was not separately reported, but included in the general returns for the campaign. It is generally estimated, however, that two-thirds of the loss of the regiments engaged was sustained on that day.

For nearly six hours had these two brigades marched and fought, and it was doubtless the sight of their worn and depleted condition, as well as that of Heth's other brigades, that deterred General Lee, who arrived on the field in the afternoon, from forcing the fight beyond Gettysburg and thus reaping the reward their gallantry had so dearly won.

Near the scene of its last action the brigade made camp for the night, and anxiously awaited orders for the morrow.

SECOND DAY'S BATTLE.

Barksdale's brigade was camped at Greenwood, sixteen miles from Gettysburg, and at 9 o'clock A. M., July 1st, under hurry orders, marched in that direction. Owing to the congested condition of the Chambersburg pike, over which Ewell's corps and supply trains were moving, the brigade marched by the most direct route, regardless of roads, on by-paths, through fields, over rocks and hills, and finally reaching, after midnight, a point on Plum Run, north of the town, there halted for rest and sleep. At sunrise on the 2d, it formed a line of battle in the suburbs of the town, where it lay inactive for two or three hours. It then formed column and marched by the right front, then counter-marched and took position between Wofford, who was on his right, and Wilcox, who was on his left, and behind a small elevation in a skirt of timber fronting the "Peach Orchard," then occupied by Graham's brigade of Sickles's Union corps. In front, 600 yards away, was a battery, which the impetuous Barksdale asked permission to charge immediately, but his request was

denied. The brigade was formed in the following order from right to left: The Twenty-first regiment, under Colonel Humphreys; the Eighteenth, under Colonel Griffin; the Seventeenth, under Colonel Holder, and the Thirteenth, under Colonel Carter.

Artillery was posted on the right, fifty yards in front. Men were ordered to tear away a plank fence within 200 yards of the enemy, which was done without molestation. Caps were taken from the guns and orders given for movement in closed ranks. At a signal the artillery opened fire, and for half an hour the fight was fast and furious.

General Longstreet makes the following statement about this interesting period in the struggle: "I rode to McLaw's; found him ready for his opportunity, and Barksdale chafing in his wait for orders to seize the battery in his front. After additional caution to hold his ranks closed, McLaw ordered Barksdale in. With glorious bearing he sprang to his work, overriding obstacles and dangers. Without a pause to deliver a shot, he had the battery."⁵

A further advance was ordered and continued. The regiments on the left, the Thirteenth and the Eighteenth, encountered Seely's U. S. battery, strongly supported by infantry, while the regiments on the right, the Twenty-first and the Seventeenth, met the New York Excelsior brigade. Another charge, and victory again perched upon the banners of the gallant Mississippians. Although the enemy was being steadily driven back, reinforcements moved promptly out to cover their retreat.

Next to be encountered was Willard's splendid New York brigade, as it advanced to cover the left of Humphreys's retiring line. Having recently entered the field with the step and precision of a dress parade, though in "rough uniform and with bright bayonets," these veterans, now covered with dust and blackened with the smoke of battle, with ranks depleted by shot and shell, and faint from exhaustion, responded with cheers to the clarion call of the intrepid Barksdale as he "moved bravely on, the guiding spirit of the battle." Mounted and with sword held aloft "at an angle of forty-five degrees," he exclaimed: "Brave Mississippians, one more charge and the day is ours!" But the resistance was too great, and, besides this, he was being

⁵See *From Manassas to Appomattox*, p. 370.

outflanked by Willard. Orders were given for a recall, but Barksdale either did not receive it or failed to obey before he fell mortally wounded. He died defiant and unyielding, a costly though willing sacrifice upon the altar of patriotism.⁶

All the field officers of the brigade were either killed or wounded except Colonel Humphreys of the Twenty-first, who assumed command.

General Longstreet makes the following statement:

"When General Humphreys, who succeeded to the Barksdale brigade, was called back to the new line he thought there was some mistake in the orders, and only withdrew as far as a captured battery, and when the order was repeated retired under protest."⁷

Neither Barksdale nor Humphreys had had the advantage of military training, except in the actual theater of war; but no troops were ever led by truer or braver officers, and no leaders ever had more loyal or determined followers. Whatever history may say of the gallantry and prowess displayed on the rocky slopes and green fields of Gettysburg, whether at the so-called "high-water mark of the Confederacy" or elsewhere, no incident can surpass in grandeur the glorious achievement of the Griffith-Barksdale-Humphreys brigade, and no spot on that blood-stained field is a more hallowed spot than that "where Barksdale fell." The loss of the brigade during this brief afternoon fight, which closed with the setting sun, was 750 killed, wounded, and missing. This fact indicates not only the character of the opposition, but the fighting qualities of this brigade, which we are told put almost one thousand of the enemy out of action in its victorious march.

Mississippians justly prided themselves on marksmanship. The bear hunters of the Mississippi-Yazoo Delta, the deer hunters of the pine woods, and the small game hunters of the

⁶General Barksdale was mortally wounded by a grape shot in the edge of the wheat field, near the branch, and started to the rear. Private J. C. Lloyd, of Company C, Thirteenth Mississippi, was within twenty feet of him at the time. Almost immediately thereafter Lloyd himself was shot in the arm and fell in the bushes lining the branch. Here he remained until the enemy advanced over him and then retreated, when he started to the rear, and soon found General Barksdale lying upon the ground alone, weak and helpless, but uncomplaining and resigned to his fate. Lloyd, who is now a prominent citizen of Meridian, Miss., lost an arm.

⁷See *From Manassas to Appomattox*, p. 371.

East Mississippi prairies were ready marksmen and invincible except against great odds.

When brigaded with the Fourth Alabama, Sixth North Carolina and Second Mississippi, under General Whiting, Colonel Pender, of the Sixth North Carolina, reported to headquarters that a hog had been killed within the lines of the Eleventh Mississippi. General Whiting inquired what evidence he had of this. Colonel Pender stated that he heard the report of the gun inside their lines and heard the hog squeal. "I am satisfied that you are mistaken, Colonel," replied General Whiting, "when a Eleventh Mississippian shoots a hog it don't squeal."

Posey's Mississippi brigade, composed of the Twelfth regiment, under Colonel Thomas; the Sixteenth, under Colonel Baker; the Nineteenth, under Colonel Harris, and the Forty-eighth, under Colonel Jayne, was at Chambersburg and marched to Cashtown, where its division, Anderson's and Hill's reserved artillery, were halted. At the opening of battle it marched to the scene of action, taking position in the rear of Seminary Ridge. Late in the afternoon of the second day it advanced against the right of Humphreys's Federal division and drove in its skirmishers under a strong musketry resistance in front of an enfilading artillery fire. Here it established a picket line, which was maintained until late into the night, when it retired to the line behind Pegram's artillery, where it remained in support throughout the eventful hours of the third day. This brigade remained on the ground until the night of the fourth day, when it was withdrawn and formed the rear guard of the army until Lee's formation in front of Meade at Hagerstown, Md.

This splendid veteran brigade had already won high honors on hotly contested fields and only needed an opportunity to add fresh laurels to its well earned reputation. The gallant Colonel Nat H. Harris later became its commander, and its history closed with Appomattox.⁸

⁸In the winter of 1863-64 the Young Men's Christian Association of Posey's (afterwards Harris's) Mississippi brigade led off in a movement which was followed by a number of other brigades and deserves to be written in letters of gold on one of the brightest pages of our country's history. They solemnly resolved to fast one day in every week in order that they might send that day's rations to the suffering poor of the city of Richmond. Although they received only \$11 a month in Confederate cur-

CAVALRY ACTION ON THE THIRD DAY.

The Pennsylvania campaign may be properly said to have commenced on June 9th, on which date was fought the great cavalry battles on and around the plains of Brandy Station, south of the Rappahannock River, between the forces of Stuart and Pleasanton. Little has been said concerning the conspicuous part played by the small force of Mississippi cavalry belonging to the Army of Northern Virginia, their division chief having been censured by early historians of the war for the failure of Lee at Gettysburg. This opportunity cannot, therefore, be lost to attempt tardy justice to this able commander and his gallant body of troopers, as brave as ever strided horse or drew blade in the defense of any cause.

That the Confederate Government did not appreciate the importance of cavalry at the commencement of the war, and afterwards did not make adequate provision for its maintenance, is clearly set forth by the condition of acceptance of the first volunteer company from Mississippi to go to Virginia. General

rency and never got more than half rations, and very frequently not that, they voluntarily fasted one day in the week in order to send that day's rations to God's poor in the city, for whose defense they were so freely and heroically offering and sacrificing their lives. (J. Wm. Jones's Religion in Lee's Army, pp. 398-399.)

When the orders for moving came to A. P. Hill's corps, near Fredericksburg, in June, 1863, and put the column in motion for Gettysburg, they found Chaplains J. J. Hyman and E. B. Barrett, of Georgia, engaged in baptizing in Massapomax creek some of the converts in the revival which had begun in their regiments and which did not cease during the bloody campaign which followed, and as a result of which a remarkable scene was enacted near Hagerstown, Md., on Sunday, June 29, 1863.

The banks of the historic Antietam were lined with an immense crowd of Confederate soldiers. But they came not in "battle array"—no opposing force confronted them; no cannon belched its hoarse thunder, and the shriek of shell and whistle of the minnie were unheard. Instead of these, sweet strains of the songs of Zion were wafted on the breeze and the deepest solemnity pervaded the gathered hosts as one of the chaplains led down into the historic stream fourteen veterans who a few months before had fought at Sharpsburg and were now enlisting under the banner of the Cross. (*Ibid.*, p. 254.)

These army chaplains almost without exception accompanied their commands to Gettysburg, and after the great battles were over voluntarily remained to render the comforts and consolation the Gospel affords to the wounded and dying soldiers; but contrary to the rules governing civilized warfare they were arrested and imprisoned, as were also the Confederate surgeons detailed to care for the badly wounded left behind.

This arbitrary action of the Federal authorities will ever form a dark blot on the page of American history.

Will T. Martin, then as now a prominent citizen of Natchez, Miss., not unlike a large and substantial class in Mississippi, favored the Union, or rather union under the constitution and laws of the United States, but opposed fanaticism, visionary theories of a "higher law," and insurrectionary measures. Visiting Washington in the winter of 1860, he heard the debates in Congress, read the newspapers, and caught the trend of divided public sentiment. Realizing that the "irrepressible conflict" was fast approaching, and acting upon the principle that "forewarned is forearmed," he went directly to New York and to New England and purchased full and complete equipments for a cavalry company. On reaching home he immediately set about the work of organization. Men and horses were voted upon and all of either that were in any way undesirable were "black-balled." Shortly after the inauguration of President Davis at Montgomery, General Martin tendered the services of his company, the Adams County troop of cavalry. He received the following reply from Adjutant-General Cooper at Richmond:

"Have all the cavalry wanted in Virginia. No money for cavalry transportation."

Companies of infantry and artillery were leaving for the front. The cavalrymen were called "aristocrats" and "too fine to fight." Besides their showy equipments, they had tents, cooking utensils, a big lot of servants, and were fully supplied with *Saratoga trunks*. But in addition to these things they had the real "sinews of war," or the wherewith to go to war, in the form of a large "company fund." The taunts of the populace were provoking. Despairing of Government aid for transportation, the fine steamer "Mary Keene" was chartered for Memphis, Tenn., and the troopers, bidding adieu to families and friends, left for the scene of conflict. Among the many to inspect and admire the company *en route* was N. B. Forrest, a man destined to reach great prominence in the profession of arms by rising rapidly from private to lieutenant-general by meritorious service alone. Before commencing an inspection of this company he courteously explained that he wanted to raise a "hoss company."

Chartering a train of cars at Memphis, the command in due time lined up in front of General Cooper's office. The commander then entered and engaged in the following conversation:

"I presume this is General Cooper. I am Captain Martin of the Adams County troop of cavalry, from Natchez, Miss. I did not think you had cavalry enough in Virginia. You could not pay transportation, we could, and are here."

"Where is your company?" asked General Cooper. "In the street in front of your office," said Captain Martin. "What?" exclaimed General Cooper, in astonishment. "Yes; come and see it," suggested Captain Martin.

General Cooper and President Davis inspected the company, and in accepting it declared it the best equipped command then to enter the service. In this way the Adams County Troop became Company A and formed the nucleus of the "Jeff Davis Legion." The following companies coming in later completed the organization: Company B, "Chickasaw Rangers," Chickasaw County, Miss.; Company C, "Kemper Cavalry," Kemper County, Miss.; Company D, Alabama; Company E, Alabama, and Company F, Georgia.

Captain Martin was made major, then lieutenant-colonel of the Legion, and commanded it until after the Maryland campaign, when he was promoted to the rank of brigadier-general and sent to Bragg's army. In 1863 he became major-general and served in that position to the end of the war. At the opening of the Pennsylvania campaign the "Jeff Davis Legion" was officered as follows: J. F. Waring, of Savannah, Ga., lieutenant-colonel; Wm. G. Conner, of Natchez, Miss., major; Richard E. Conner, of Natchez, Miss., captain and adjutant; T. Jeff Adams, of Adams County, Miss., captain of Troop A; Wm. G. Henderson, of Chickasaw County, Miss., captain of Troop B; and R. M. Avery, of Kemper County, Miss., captain of Troop C.

On the morning of June 9, 1863, General Pleasonton's cavalry crossed the Rappahannock River at Beverly and at Kelly's fords in strong force, and a general engagement ensued, Stuart being compelled to bring into action his entire strength of 8,000 men to contest the field with Pleasonton's force of 12,000. The battle lasted all day, with varying fortune. During the night the enemy recrossed the river. When the army of General Lee took up its march for the Potomac, Stuart, as usual, went forward to cover its advance. On June 17th he found himself confronted by his old antagonist, Pleasonton, at Aldie. Then followed a series of battles covering a period of three days, in which charges and counter charges were frequently made with conspicuous

gallantry. In these engagements the "Jeff Davis Legion" bore an important part.

Company B sustained the loss of Lieutenant Fisher, killed, and of Captain Henderson, seriously wounded.

Stuart's loss was over five hundred, including many valuable officers. Col. Frank Hampton, of South Carolina; Colonel Sol Williams, of North Carolina; Major Wheloke, of North Carolina; Captain Farley, the noted scout and staff officer, and many others were killed. Gen. W. H. T. Lee, Col. M. C. Butler, and Maj. Heros Von Borcke, the Prussian staff officer, were wounded.

In obedience to orders from General Lee for crossing the Potomac with a part of his command, Stuart assembled at Salem the three brigades of Hampton, Fitz. Lee, and W. H. F. Lee (then in command of Colonel Chambliss). The brigades of Robertson and Jones, numbering 3,000, and under command of the former, were left at Middleburg, in observation of the enemy on the usual front, with orders to report its movements to Generals Lee and Longstreet. It was deemed entirely practical at that time for Stuart to march directly to the Potomac through the intervals of the Union Army corps, Colonel Mosby, the veteran scout and partisan commander, having reported them as stationary. At an early hour on June 25th Stuart crossed the Bull Run mountain at Glasscock's Gap and marched in the direction of Seneca ford on the Potomac. At Haymarket he encountered Hancock's corps, which was in motion and was occupying every road leading to the Potomac. The day before Longstreet's corps had marched to the Potomac at Williamsport in full view of the enemy on Maryland Heights, which set the Army of the Potomac in motion. Had Stuart moved a day *sooner*, or Longstreet a day *later*, the history of Gettysburg, or of the Pennsylvania campaign, would no doubt read differently.

Here, however, was a condition facing Stuart which, although perhaps unexpected, was not unprovided for. Having discretionary orders in directing the movements of the three brigades under his personal command, and believing that General Robertson would report the withdrawal of the enemy from his front and promptly follow in the wake of General Longstreet, Stuart chose to march by the rear and right of Hancock, hoping by hard riding and hard fighting, if necessary, to form a juncture with

Ewell on the Susquehanna before the moving armies should join battle. Barring the unavoidable delays caused by battles, destruction of public property, and convoying wagon trains and paroling prisoners, the instructions of General Lee were fully complied with, both in the letter and in the spirit. The failure of General Robertson to report the withdrawal of the enemy from his front, while justly censurable, is no reflection upon Stuart, only in so far as it illustrates a mistake in the selection of an officer for observation. *Observation* in military usages implies reports; otherwise it would be a useless and senseless duty imposed. The records show no reports from General Robertson for that critical period. When his whereabouts were finally made known he was ordered to take his proper place with the army.

It appears, therefore, that it was not so much the lack of cavalry that disconcerted General Lee's plans as the absence of Stuart himself and a failure to make use of the cavalry he had at command. Stuart, though remarkably resourceful, could not personally be on both sides of the Potomac, nor on both sides of South Mountain, at one and the same time. It is interesting to note just here the positions of the several Confederate cavalry forces on the 30th of June, when the accidental meeting of the two great armies occurred. Stuart, with his thin and weary squadrons, was fighting off the two strong divisions of Kilpatrick and Gregg, whose presence was deemed necessary for the protection of Meade's right flank, while Buford's division watched its front. Jenkins's Confederate brigade was at Heidleburg, ten miles away, and a part of it twenty miles away. Imboden's brigade was at Hancock, thirty miles away, and Robertson's and Jones's brigades were lying idle in Virginia.

Gen. A. L. Long, General Lee's biographer, wrote⁹ that, when at Fredericksburg, Va., General Lee selected Gettysburg as the probable point of contact of the two armies in the Pennsylvania campaign. But surely on the 30th of June General Lee was not intending to precipitate battle there. Otherwise the "eyes of the army" should have been turned in that direction, even though "the knight of the black plume" was off on a "wild ride."

However, Stuart's ride of 150 miles ended at Gettysburg on the evening of the 2d of July, where he rested under the protec-

⁹See Long's *Memoirs of Robert E. Lee*, p. 268.

tion of the infantry—the first and only real rest within eight days. On the morning of the 3d, reinforced by the brigade of Jenkins, he moved by the left of the army and attempted to reach the rear of the enemy, then massed on and behind Cemetery Heights awaiting another assault by a part of the Army of Northern Virginia. Three miles east, on the Hanover road, he encountered the Union cavalry. Dismounting a part of his force to engage the enemy's skirmishers, he moved to the right under cover of the woods, and then advanced. Here he was confronted by a strong cavalry force, supported by artillery. Realizing that his object could not be attained without a fight, preparations were made for forcing the issue. The skirmish line in front of Hampton was hotly engaged and in the act of giving way when the order came to charge. With horses jaded and men worn out and sore from hard riding, a charge was a desperate and uncertain undertaking, but with characteristic bearing these veterans drew sabre and moved forward. Before Hampton's line was well under way, a reserve mounted force of the enemy, as yet unseen, advanced, at the sight of which the Southern horsemen raised a yell of defiance and dashed madly onward. Soon the lines clashed together, when every man fought for himself, on the offensive or on the defensive, as opportunity or circumstances demanded. The commanding form of the dauntless Hampton was conspicuous as he dealt blow after blow, on the right and on the left, as the Union troopers assailed him. Members of the Kemper County troop rallied to his rescue, just as a sabre stroke rendered him *hors de combat*. In this *melee* the gallant John Dunlap, of Scooba, Miss., lost a leg.

During the almost daily conflicts in Virginia, prior to the advance into Pennsylvania, there was a tacit agreement between Lieutenant-Colonel Waring and Major Conner that the latter should lead the charges of the "Jeff Davis Legion" in the enemy's country, and right nobly did he perform his part. Taking position in front, he ordered it forward and led his willing followers into the very focus of the fight, where, amid the rattle of pistols and clash of sabres, he seized a guidon of the enemy, and when ordered to surrender drew his pistol and killed two of his assailants before being himself killed. Such conduct, under the circumstances, requires an explanation, which is given by his

brother, Captain Conner, adjutant of the Legion, who, after being himself unhorsed by a sabre blow and trampled over by the contending squadrons, escaped, and is to-day engaged in the active affairs of life at Natchez. Major Connor was a prisoner in the early part of the war and had frequently vowed that he would never again surrender, and fulfilled it by bravely courting death instead.

The thin platoons of Hampton were outnumbered and worsted, but responded to the rally call and retired to their original position, where under a long-range fire they awaited with Stuart's other brigades the result of that "supreme attempt to wrest victory from Cemetery Heights," and ready to "follow up victory or mitigate defeat." Here Jordan Moore, of Kemper County, was shot through and through, and his orderly sergeant, N. P. Perrin, placed him against a tree, gave him a canteen of water, bade him "good-bye," and marked opposite his name on the roll, "Killed in action;" but within two months Moore appeared in camp sound and well and served to the end of the war. The losses of Stuart were: Hampton's brigade, 92; Fitz. Lee's, 50; W. H. F. Lee's, 41, showing that Hampton bore the brunt of the battle.

Following that glorious defeat came the arduous task of guarding the flank of the retreating army to the Potomac. Many were the encounters on the march that will never find a place in history, as many a cavalryman who died in bushes while on scout or outpost duty will have as a record of service the one doleful word, "Missing," and thus be denied the poor privilege of a last resting place among hero comrades who lie

"Where the blades of the grave-grass quiver,
Asleep in the ranks of the dead!"

Between Boonsboro and Williamsport, when holding back a force of Federal infantry and artillery marching to the latter place in an attempt to cut off the retreat of General Lee, mention is made of two other Mississippians who gave their lives to the cause, the gallant James H. Perrin, of Company C, and the polished gentleman and superb soldier, Thomas Metcalf, of Company A.

The opinion expressed by General Sedgwick, his classmate, friend, and "enemy," that J. E. B. Stuart was the best cavalry

general "ever foaled in North America" may be a correct one, and will doubtless stand uncontradicted, but when the cavalry exploits of the civil war are completely and truthfully written there will appear as a close second the name of the man who wanted to raise "a hoss company"—N. B. Forrest. In considering this indulgent comparison it should be remembered that Forrest had the great advantage offered by nearly two years of service, the like of which the lamented Stuart was unfortunately denied. Time and opportunity are essential requisites to a well rounded and successful career in war. Much of the lustre that embellishes the name of Lee came as a result of achievements after his defeat at Gettysburg.

Ward's Mississippi Battery (The Madison Light Artillery), Company A of Poague's battalion, was attached to Pender's division, Hill's corps.

During the third day's battle it occupied a position nearly opposite the center of the Union line on Cemetery Heights and about a half mile to the west. The officers in command were George Ward, captain; T. J. Richards, first lieutenant; F. George, second lieutenant; T. K. Kearney, third lieutenant.

The battery was in reserve until the formation for Longstreet's assault, when it was advanced to the main line of artillery. It consisted of two twelve-pound Napoleons and two twelve-pound howitzers. The howitzers being too short to reach the heights, were sent to the rear. The Napoleons were in action during the cannonade, but did not advance in support of the assault, their last round of ammunition having been expended before the infantry moved. No casualties are given for separate batteries, but that of the battalion were: Killed, 2; wounded, 24; missing, 6. The amount of ammunition expended was 657 rounds, and the number of horses killed or disabled, 17.

DAVIS'S BRIGADE IN LONGSTREET'S ASSAULT.

While there had been severe fighting in the early morning on the left and around Culp's hill, the battle lines were practically the same as at the close of action on the second day, with possibly some advantage in advanced position on the left, and certainly as regards strengthened fortifications and reinforcements

in the Federal center. Pickett's fresh division had now arrived. Although no material advantage had been gained since the enemy occupied the Heights on the night of the 1st, General Lee now ordered preparations for another assault. The two divisions assigned this hazardous duty were those of Pickett (Virginia), of Longstreet's corps, and Heth, of Hill's corps, their formation and movements being under the direction of General Longstreet. Accordingly the divisions were placed in position behind Seminary Ridge, Pickett on the right and Heth on the left, with such supports as were deemed necessary on the flanks and in the rear. Heth having been wounded on the first day, his division was now under Pettigrew, the senior brigade commander, and was formed in the following order from right to left: Archer's (Tennessee), under Colonel Frye (Archer being captured); Pettigrew's (North Carolina), under Colonel Marshall; Davis's (Mississippi), and Brockenbough's (Virginia).

The Eleventh Mississippi, under Colonel Green, had joined its brigade (Davis's) on the night before. The position of this brigade for the assault was just below the crest of Seminary Ridge, in a skirt of timber, the Fifty-fifth North Carolina on the right, the Eleventh Mississippi on the left, with the Second and Forty-second Mississippi in the center.

At 1 o'clock p. m. the signal guns were fired by the Washington Artillery of New Orleans, followed by the batteries along Seminary Ridge, which were replied to by the Federal batteries on Cemetery Hill. For two hours this world-renowned artillery duel continued. Officers had been sent to the crest to view the field beyond and to inform the troops of the situation in front. So every private knew what a herculean task was being imposed upon them, but never for a moment did they cower. W. W. Scales, of Company E, Eleventh Mississippi, was detailed to go for water. Believing that he could not return in time for the assault, called for a volunteer to take his place, and found one. Scales went in, and to-day enjoys the honor of being enrolled among the twenty-one of his company that were wounded. The Mississippians suffered from the very beginning. Lieutenant Featherston, of Company F, and Jerry Gage, of Company A (Eleventh Mississippi), were killed while lying in position. Finally, after a long and anxious delay, the order was given to

advance, and the line moved forward, slowly but steadily. Reaching the crest and coming in direct range of the enemy's artillery, the ranks were thinned at every step. Five men of Company E, "Prairie Guards," were put out of action by the explosion of one shell. The assaulting line as formed not being parallel to the enemy's works, the left had a greater distance to cover than the right; but quickening their step the Mississippians soon could not fairly be considered as "supports," or as in echelon formation, as they were fully abreast throughout the whole line. Before reaching the Emmittsburg road, which crosses diagonally from right to left the intervening space, Brockenhrough's brigade halted. This being quickly observed by the enemy, an enfilading fire was directed against Davis's flank with telling effect. Soon most, if not all, of the field officers were either killed or wounded. No one seemed to be in command. It had become a soldiers' battle, in which the Southerners' watchword, "The grave of a hero or victory," was being gloriously exemplified. Captain John Moore, of Company A, "University Greys" (Eleventh Mississippi), was in front, facing the regiment and trying to close up the fearful gaps being cut in the line, when Lieut. A. J. Baker, of the same company, shouted, "For God sake, John, give the command to charge!" (They were classmates at Oxford, and while red blood was flowing so profusely *red tape* was for the moment forgotten.) "No," replied Moore, "I cannot take the responsibility;" whereupon Baker himself gave the command and the thin line rushed forward to the stone wall as individuals rather than as an organization.

True, many of Davis's brigade "gave way," leaving blood behind and bringing marks of Federal lead and iron with them, but almost an equal number went down to rise no more, or rising to find quarters in Northern prisons. Lieutenant Belton, of Company E, Eleventh Mississippi, "gave way" with a grape shot lodged in his mouth which it required the services of a surgeon to remove. Only recently he answered the "last roll" in far away California.

The Eleventh Mississippi was the only fresh regiment of Heth's division that participated in this assault. Its strength has been variously estimated from three hundred to four hundred, and

its loss is generally placed at thirty-two killed and 170 wounded. While this is official and doubtless based on reports, the number of killed is evidently incorrect, for it is positively known that the "Prairie Guards," Company E, lost fifteen killed; the "Noxubee Rifles," Company F, lost eight killed; and the "Van Dorn Reserve, Company G, lost eleven killed, making thirty-four and leaving *seven* companies unaccounted for.

The writer of this article, in his efforts to make a correct record, has ignored the spiteful and unjust criticisms of certain historians, both North and South, who have had much to say of the "raw," undisciplined "cowards," "men of common clay," "who fled the field" on the left, causing failure and disaster to those on the right of the assaulting column. The facts here given are based on the manuscripts of surviving participants, now in the possession of the writer. This form of historical data could be extended would time and opportunity permit.

There may be some people in these "piping days of peace" who entertain doubts of the reliability of recollections of such distressing circumstances. Others may condemn the rashness of action in the face of such danger; but the veteran Confederate soldier, accustomed to such surroundings, was not deterred from the performance of duty by a sense of danger, an element ever present in battle. He went forward with faith in himself and in his comrades, bequeathing his reputation as a heritage to his family and his country.

In order that the uninformed reader may gain an intelligent conception of the situation at that time, it is necessary to state that a part, a great part, of the Army of the Potomac was posted on and behind Cemetery Hill, its main object of defense being a stone wall, with a prolonged structure of wood and earth. This stone wall forms an irregular line north and south. Near the center it recedes eighty yards, speaking from the Confederate position. Just within this angle of the wall and to the south of it stands the "copse of trees" which was the objective point of the assaulting column. Upon it was trained the Confederate artillery with great effectiveness.

To the left or north of the angle is the Bryan barn, a frame building standing in the wall, that is the wall touches it on either side. This barn is the front of the position of the left of Heth's

division, and is the "high-water mark" of Mississippians *for that afternoon*, being *forty-seven* yards beyond the point where General Armistead of Pickett's second line fell, a hero of heroes.

This statement is made in the face of historical assertion and even of official reports to the contrary, but the following facts are given to substantiate it: Lieutenant A. J. Baker, of Company A, "University Greys" (Eleventh Mississippi), was wounded when within ten feet of the stone wall and twenty feet to the left of the barn, and was captured by troops coming from the left flank. This enfilading fire was more destructive to Davis's force, especially his left regiment, than to that in front. DeGraffenried, a brother of ex-Congressman DeGraffenried, of Texas, and of the same company with Baker, crossed the wall, was wounded, returned and made his way to the rear.

Lieut. W. P. Snowden, of Company G, "Van Dorn Reserves," was wounded and captured near the wall. His company went in with forty-five men. Five of them returned unhurt, eleven were killed, and twenty-nine wounded.

Capt. J. T. Stokes, Company F, "Noxubee Rifles," was wounded within twenty steps of the wall, and the few remaining of the company went on. John J. and Frank A. Howell, brothers, reached the wall together. The former went over, was captured and died a prisoner. The latter was wounded and returned. Lieutenants Brooks and Woods were captured, leaving but a few privates and no commissioned officer.

Captain Halbert, Lieutenants Mimms and Goolsby, of Company E, "Prairie Guards," were killed, and Lieutenant Belton was wounded. Corporal John Morgan and Private John Sherman reached the wall. Sherman was wounded and Morgan returned with him unhurt. This company entered the assault with thirty-seven, rank and file. Fifteen were killed and twenty-one wounded, leaving only Corporal John Morgan to voluntarily "give way." Company A, "Tishomingo Rifles" (Second Mississippi), had but four men left after the assault—George Reynolds, C. Farris, N. M. and G. W. Bynum. Company E, of the same regiment, went in the first day's battle with forty-two men, and lost in killed, wounded and captured all except one lieutenant and six men. This skeleton company went into the assault on the third day, and only R. C. Jones and S. B. Scott

returned. Company B, "Senatobia Invincibles" (Forty-second Mississippi), entered the first day's battle with sixty-one, rank and file. At the close of action on the third it had but nineteen men.

The showing of these three companies indicates the probability, if not the absolute truth, of the statement of Colonel Venable, of General Lee's staff, that it was a mistake to reckon Heth's division in planning the assault, for it suffered more on the first day than was reported and had not recuperated. Be that as it may, it is a fact that many of Heth's wounded were present on the third day, the sight of which, it is reported, made General Lee shed tears and say "*They should not be here.*" It was not for Heth's people to say when and where they should or should not fight. Had the spirit of Stonewall Jackson been present the division would have slept on Cemetery Hill on the night of the first day. But once in the speculative field, it might be added, and that hill might have proved a Vicksburg or an Appomattox.

Of the Fifty-fifth North Carolina, the right of Davis's brigade, but meager information is at hand, but it is certain that Captain Satterfield, of Company H, Lieutenant Falls, of Company C, and Sergeant Whitley, of Company E, reached the wall, and it is a reasonable conclusion that others accompanied them, as also in the case of the Mississippians named. So far as is known, no field officer of the brigade reached the wall. Lieutenant-Colonel Humphreys, commanding the Second, and Colonel Miller the Forty-second Mississippi regiments, and Lieutenant-Colonel Smith, commanding the Fifty-fifth North Carolina regiment, were killed. Colonel Green of the Eleventh Mississippi was wounded, but the adjutant of the brigade, Captain Magruder, brother of Gen. J. Bankhead Magruder, was killed on the wall just to the left of the Bryan barn, while urging others by order and example to do their duty as he saw it. Thus the fact is established by living witnesses that this mere skeleton of the Davis brigade went as far as human strength and endurance could go, unaided by a miraculous interposition in their behalf.

They cannot be appropriately likened unto a steel-pointed spear, piercing the vitals of the enemy's line and causing consternation and dismay, but rather unto common humanity,

moving under the impulse of an inherited spirit to do or die in the effort to gain victory in a just cause.

While Mississippi joins North Carolina in praise of her peerless Pettigrew, and Virginia in her love for her fearless Armistead, she will ever remember with pride the place where Magruder died, where Barksdale fell, and where the dauntless Conner sacrificed his valuable life.

Southern historians of the civil war period have assigned various and conflicting reasons for the failure at Gettysburg, and as time goes by others are being advanced.

The latest contribution on the subject is by La Salle Corbett Pickett, widow of General George E. Pickett, C. S. A. Says Mrs. Pickett, in *Pickett's Charge at Gettysburg*, recently published in various newspapers and periodicals:

"Longstreet assented to the invasion only on condition that it should still be a campaign of defensive tactics.

"He (General Pickett) was equally loath to carry on an aggressive campaign of invasion of the North when it was proposed."

In the light of these statements, the reason assigned by General Lee himself for failure is given:

"As to the battle of Gettysburg, I must again refer you to the official accounts. Its loss was occasioned by a combination of circumstances. It was commenced in the absence of correct intelligence. It was continued in the effort to overcome the difficulties by which we were surrounded, and it would have been gained could one determined and united blow have been delivered by our whole line. As it was, victory trembled in the balance for three days, and the battle resulted in the infliction of as great an amount of injury as was received and in frustrating the Federal campaign for the season."¹⁰

Gettysburg, though unquestionably the pivotal battle of the War between the States, was by no means the Waterloo of the Confederacy, for hostilities not only continued for almost two years, but according to Federal statistics the Army of the Potomac, later appropriately called "Grant's Army," lost in round numbers 10,000 more men after than before and including Gettysburg. Besides, immediately after the battle and during the retreat, Lee was ever ready to give Meade a Roland for an Oliver.

That the army had just cause for doubt and discouragement its experience and condition fully attested. General Lee, whose

¹⁰Letter written by Gen. R. E. Lee in 1868 to Maj. William H. McDonald. See *Gettysburg Campaign*, by Col. R. M. Stribling, p. 68.

faith in his men was unbounded, thought proper, however, on the occasion of his stand at Hagerstown, Md., to inform himself of the real condition and spirit pervading his troops. The duty of gaining this information was assigned the general officers.

Of the picturesque General Lafayette McLaw's visit to Barksdale's brigade, let Major Robert Stiles in his *Four Years Under Marse Robert* relate:

"He was on horseback, riding, as I remember, a small, white pony built horse, and as he rode up into the circle of flickering light of campfire to talk with the men, he made quite a marked and notable figure. The conversation ran somewhat in this line:

"Well, boys, how are you?" "We are all right, General!" "They say there are lots of those fellows over the way there." "Well, they can stay there; we ain't offerin' to disturb 'em. We've had all the fighting we want just now; but if they ain't satisfied and want any more, all they've got to do is to come over and get their bellies full." "Suppose they do come, sure enough, boys? What are you going to do with them?" "Why just make the ground blue with 'em, that's all; just manure this here man's land with 'em. We ain't asking anything of them, but if they want anything of us, why, just let 'em come after it and they can get all they want; but they'll wish they hadn't come." "Well, now, I can rely upon that, can I?" "You just bet your life you can, General. If we're asleep when they come, you just have us waked, and we'll receive 'em in good style." "Well, good-night, boys. I'm satisfied."

The appearance of "Lee's Miserables" on the retreat was prepossessing in one respect only. Their muskets were clean and their bayonets bright, and a firm and undaunted spirit everywhere abounded. With clothing dirty and ragged, shoes worn and broken, and hats dilapidated and covered with dust, they came homeward-bound with jests, jokes and repartee that enlivened the march even under such distressing conditions. Twitted on his shaggy attire by one of a group of residents gathered on the roadside to see the "Rebels" pass, the jolly Neely Nance, of the "Noxubee Rifles," apologetically explained that at the South it was the custom to put on one's worst clothes on "hog-killing days."

When passing through the little village of Greencastle, Pa., a bevy of young ladies appeared on the sidewalk flaunting United States flags. Two, with the national colors folded and crossed over their shoulders, were especially demonstrative. To an army composed largely of students of the professions and men of culture, men versed in the amenities and civilities of life, this

spirit of aggression displayed by ladies (even under the adverse circumstances) was a subject of interest and admiration. But such a display was bound sooner or later to meet a rebuff. Every army, every command has its untutored, uncouth "diamond in the rough." Marching on sullenly, weary and hungry, came one of these specimens. Observing this demonstration of hostility, he halted and quietly observed, "*See here, gurls, youens better take off them durned flags; we old Rebs er hell on breast-works.*" The two over-patriotic "gurls" retired under the first fire amid the laughter of companions and good natured cheers of the soldiers.¹¹

After crossing the Potomac, and scrambling up the bank, Gabe Smither, of the "Lamar Rifles" (Oxford, Miss.), in passing the regimental band, said to the leader: "Stewart, by blood, play Dixie."

Soon the quick notes of that ever inspiring air wafted upon the breeze, when followed a roll of the "rebel yell" of defiance that meant too plainly to the enemy on the other side that there was yet remaining strength, determination, and fight in the Army of Northern Virginia.

Outgeneralled and outnumbered, but not conquered; defeated, but by no fault of its own; a great loser, but inflicting a greater loss, it remembered with pride former victories and accepted this reverse as but "a ripple on the stream of its destiny."

And so it battled on, with varying fortune, to the distant and bitter end. The world knows the result. With brigades shrunken to less than battalions, and companies in some instances to the one-man unit, the climax came, when all was lost save honor and the consciousness of duty well and faithfully performed.

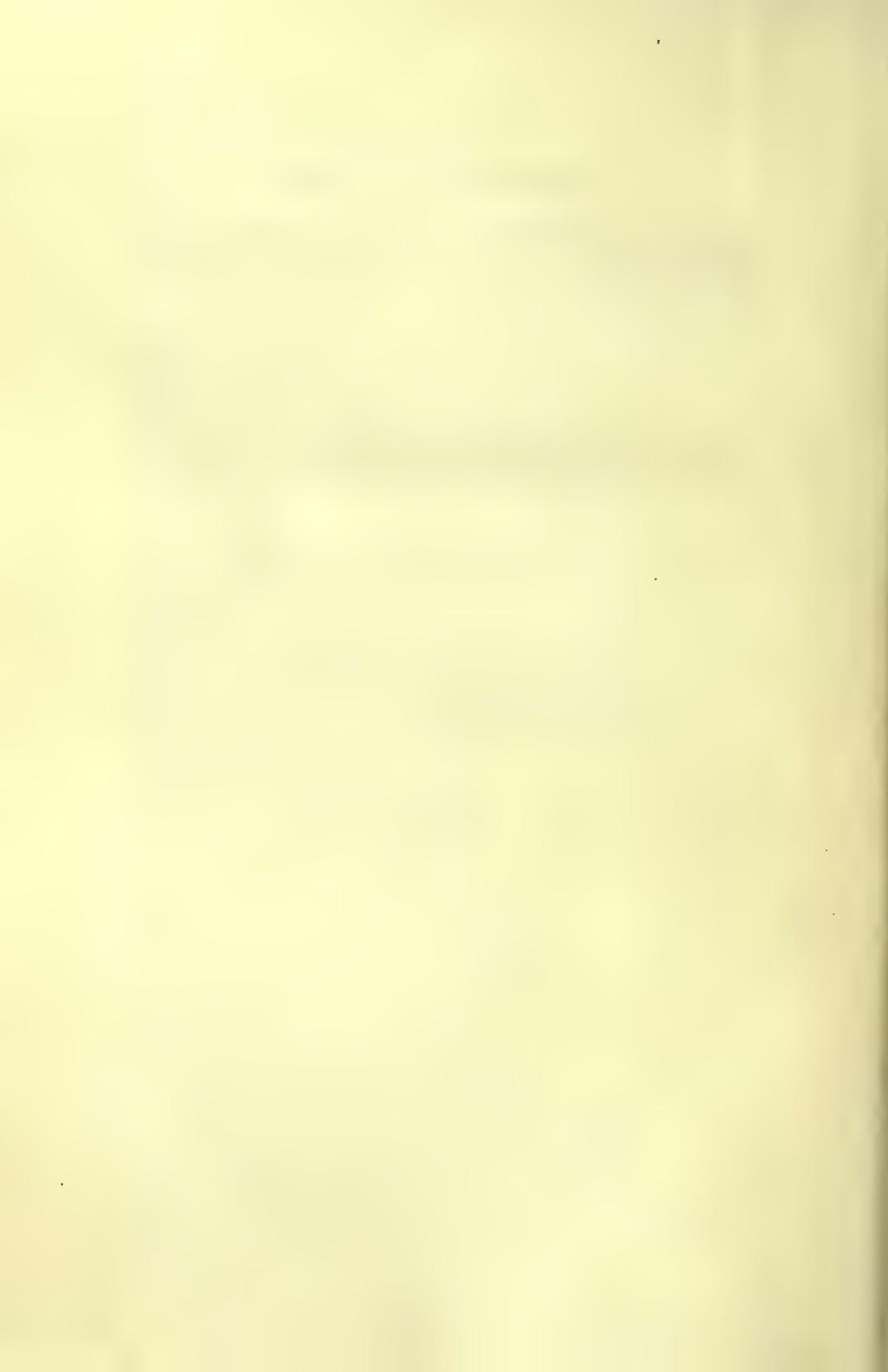
Of the 16,000 Mississippians who went to the Army of Northern Virginia during the years 1861-65, the records of the closing scenes at Appomattox make this woeful numerical showing: Davis's brigade, 75; Harris's brigade, 382; Humphreys's brigade, 257. These figures include the details serving in the various departments. Corp. Wm. L. Taylor, of Yazoo County, was the only member of Company B, Eighteenth Mississippi regiment, to answer roll call at the final round-up. Other com-

¹¹An historic incident.

panies made little better showing and some not so good. Mississippians in Virginia were peculiarly unfortunate in being sacrificially assigned in battle; nor were they less unfortunate at Gettysburg.

Davis's brigade, as has been already stated, fought its way unsupported into the First Union corps on the first day, losing heavily in killed, wounded and captured. Barksdale's victorious advance on the second day proved abortive for lack of timely support. Davis, again on the third day, was ingloriously forsaken in the assault and left to advance under both front and flank fire, and then cursed for having "*given way.*" At Falling Water, on the Potomac, Heth's division formed the rear guard. To Gen. Fitz. Lee was assigned the duty of protecting the infantry, but under a misapprehension of the situation he passed to the ford below and crossed, thus precipitating a battle between Heth and the Union cavalry, in which the heroic Pettigrew was mortally wounded.

To Heth's division, then, of which Mississippians formed a part, belongs the honor of fighting first at Gettysburg and last at Falling Water, on the Potomac.



RECONSTRUCTION IN MONROE COUNTY.

BY GEORGE J. LEFTWICH.¹

I. CITIZENSHIP OF MONROE COUNTY.

Monroe County was established in 1821. It is large and populous, although it has been more than once dismembered by the formation of other counties. It now contains about 764 square miles, has a population of 31,211, of which 12,555 are white and 18,656 are colored. In reconstruction days the negro population was about the same as it is to-day, and the white population about 2,000 less. Its soil is of two distinct qualities, as divided by the Tombigbee River. On the east are the level, sandy bottoms, adjoining the river, forming gradually into the hill country; on the west are the black prairie lands. The Tombigbee cuts its way closely around the east side of the black lime lands of the prairie, leaving the sandy pine lands on the east. Its population is founded largely upon two separate immigrations. The lands composing the Huntsville survey were surveyed and opened to settlement by the Federal Government about the year 1820. These extend eastward from the Huntsville Meridian to the Tombigbee, as far north as Gaine's Trace, and thence northeast along that ancient Indian trail. On the completion of the survey just mentioned and the opening of it to settlement, there came a tremendous incursion of immigrants from the hill country of Alabama, Georgia, and still more from the State of Tennessee. Among the latter families were the Prewitts, who grew to be wealthy and influential, the Tubb family, and numerous other large families that might be mentioned if this were the proper place to do so. These settlers came about the time of the organization of the county in 1821. About the year 1836, after the treaty with the Chickasaws, which opened their rich lands east of the Tombigbee River to settlement, and after the completion of the Chickasaw survey there was a second immigration to the county of citizens who

¹A biographical sketch of the author of this contribution will be found in the *Publications of the Mississippi Historical Society*, Vol. VI, p. 359.
—EDITOR.

made their homes mainly east of the Tombigbee. These were in the main people of wealth, who originally came from Virginia, North and South Carolina, and some from Georgia, and whose fathers had settled in the meanwhile on the Tennessee River in North Alabama and in that neighborhood. The lands having grown more costly and the negroes more numerous in that region, the children of the original settlers sought the rich black lands west of the Tombigbee, where their descendants remain until this day. The ancestors of these people, on one or both sides, are frequently traced to the ancient State and colony of Virginia, and sometimes to the Huguenots of South Carolina, as their names frequently disclose, but in the main they are from the distinctly English people who founded the Old Dominion and settled the Carolinas. Large and promiscuous additions have since been made to the population of the county from all quarters of the land, but the citizenship has to a great extent become homogeneous. The large negro population is mainly found west of the river in the prairie belt, or just east of the Tombigbee along the rich sandy loam bottom lands. There was a large body of slaveholders in the county before the war, but whether slaveholder or small hill farmer, these were the last people in the world to be deprived of their right to rule, or of their right of franchise, or to be restrained in the free exercise of their liberties. An effort in that direction possibly may be followed by a temporary calm, but such a calm is nothing more than the incubating period, when an upheaval is being hatched which is sure to make itself widely felt. These people, like their Virginia and English ancestors, are generally invincible and their disposition is to rule when and wherever they get a permanent footing.

II. RESUMPTION OF CIVIL GOVERNMENT AFTER THE WAR.

I deem it unnecessary to give the general history of the period as a background to the history of reconstruction in Monroe County, but on the general subject I especially refer the interested reader to the lucid article, "Suffrage and Reconstruction in Mississippi," by Hon. Frank Johnson, Volume VI, p. 141, of the *Publications of the Mississippi Historical Society*. After

the chaotic conditions superinduced by the war between the States, it is an interesting comment on the civilization of the people to observe how rapidly they fell into the channels of normal civil government, regulated by law. There is no better criterion of the intelligence and character of the general body of a people of a country than the Board of Supervisors. They come from the smaller divisions of the county, are a body to which the people delegate their financial matters, and are the most strictly representative men known to the body politic.

On January 5, 1865, when the Confederacy was approaching its dissolution, Floyd Winter, H. M. McCoy, J. T. Swansey, B. B. Barker, and T. W. Baker qualified as members of the Board of Police of Monroe County, a body known as the Board of Supervisors after the Constitution of 1869. B. B. Barker was elected president and C. W. Walton clerk. They were both representatives of large, respectable and wealthy families. The oaths which they took were to support the Constitution of the Confederate States of America and of the State of Mississippi as long as they remained citizens thereof. Lest the matter be in doubt the oath was in proper form copied on the minutes. When the Confederacy fell, a few months later, the following entry was made on the minutes of the board:

"Be it remembered that at the meeting of the members elect of the Board of Police of the said County, said election having been had pursuant to the proclamation of W. L. Sharkey, provisional Governor of the State of Mississippi, to fill the unexpired term of two years from the first day of Jan. 1865, the former election of the present term of County and City officers under the Constitution of the so-called Confederate States having been by recent act of a Convention of the State of Mississippi declared unconstitutional, the said members (naming them) met at the court house of said County in the City of Aberdeen on Monday, Oct. 9, 1865, and after having taken and subscribed the oath which is hereunder recorded, they are declared members of said Board for the unexpired term, to wit, until the first Monday of Jan. 1867."

Following this is the solemn oath taken and subscribed by all members before C. W. Walton, clerk, to support the Constitution of the United States and of the State of Mississippi as long as they continued citizens thereof, and to faithfully perform and discharge their duties as officers and members of the board. The board that was then elected was composed of Floyd Winter, M. M. Lewis, Wm. Page, B. B. Barker and

T. W. Baker. About this time there began to appear after many names on the minutes of the board that strange symbol "F. M. C.," meaning free male citizen. These occur mostly when colored men asked for license (presumably under the "Black Code") to keep a gun and ammunition to kill game. On January 7, 1867, the following Board of Police qualified, the first named of whom became an important factor in reconstruction days: R. M. Stockton, David Crenshaw, Wm. Page, B. B. Barker and T. W. Baker. The same board was re-elected and took their seats January 11, 1869. The term of office of the Board of Police was two years. The sheriff at that time was S. F. Kendrick, and the clerk John R. Gilleylen, both of whom were rewarded with office for their arduous duties as Confederate soldiers. The last minutes of this ancient and honorable governing body, so respected, so representative, so conservative, are recorded on the second Monday of April, 1869, and are signed by "David Crenshaw, President *pro tem.*"

A significant memorandum on these minutes is that B. B. Barker, President, was living in Memphis, he having drifted away from his home in the upheaval and doubtless in apprehension of coming events. It must not be overlooked at this stage that the Civil Rights Bill had been passed by Congress in 1866 over the President's veto; that the military governor of Mississippi had called a convention for forming a constitution on December 7, 1867; that the convention met in January, 1868, and that in the election of delegates to that convention held in November, 1867, the late slaves, who were set free by the war, first voted. The constitution had been adopted; it had been first submitted to the people and defeated, and again resubmitted by President Grant, and accepted by the people, put in force, and the civil government under the new regime had started on its perilous way. On July 12, 1869, the first Board of Supervisors met under the new constitution. It was composed of John E. Meek, Alfred Pickle, Anthony Irvin, O. H. Whitfield and N. B. Munson, "each of whom," recite the minutes, "have been duly and legally appointed according to law and have qualified, and they therefore proceeded to organize by electing John E. Meek President." These were appointed, it must be observed, by the then military Governor of Mississ-

sippi, Adelbert Ames, the first civil Governor not having been elected until the following fall. James Oldshoe appears as sheriff and J. B. Woodmansee² as clerk, the latter of whom figured conspicuously in the several years to follow and about whom more will be said, but the first minutes of the board are not in his well known "unpracticed hand."

From this time on the county government was chaotic and irregular, being in the hands of foreigners whose names were never heard of before, imported for the occasion by the then military Governor and installed in office. James Oldshoe, the last sheriff mentioned, was an old citizen of the county, but his successor appearing on the scene at the September meeting of the board, was C. F. Holle. Holle (pronounced Holley) was a big shouldered, boisterous braggart. He seems to have been selected for his muscularity. He came south from the State of Pennsylvania, and Governor Ames made him sheriff of Monroe County. He was by his wild conduct embroiled in several personal difficulties with members of the bar and others and was soon induced to leave.³ Col. A. P. Huggins appeared as sheriff at the November term of the board, 1869. Huggins was from Niles, Michigan, about forty years of age, and a man of orderly habits. He later became superintendent of public schools, was a member of the Baptist Church and at one time its Sunday-school superintendent. Early in his career he was accused of being too fond of negro social equality, but he so far recovered from that as to offer to assist the Democrats to overthrow negro rule in 1875. His proffer was accepted, but his influence was small. At the January meeting, 1870, of the board, R. B. Little appeared as sheriff. Sheriff Little and his brother, Finis H. Little, were Kentuckians of respectable family. They were men of talent and force. Finis H. Little became later State Senator and married into a well known and respectable family of Aberdeen. He had been a Union soldier. They were men

²Woodmansee was a typical carpetbagger from Indiana whose political idol was Oliver P. Morton of that State. He came like driftwood from the ocean and became at once identified with the local Republican politicians. He appears to have been more or less illiterate. He returned North and married, but lost his wife later. He encountered sundry afflictions and buffetings and in a few years disappeared from view.

³See article of Judge R. C. Beckett, Vol. VIII, p. 177, of the *Publications of the Mississippi Historical Society*.

of courage and became naturally leaders of any cause they espoused.

The office of sheriff and of clerk, the two most important offices of the county, seem to have been held by Little and Woodmansee respectively until the reorganization of the State government after the adoption of the Constitution of 1869. The first meeting of the new Board of Supervisors of Monroe County under the new constitution was held the first Monday in September, 1870. The board was composed of W. W. Troup, Elisha Howell, George Pickle, Price Hogan and Spencer Watkins. The first three members of the board were representative white men, Col. W. W. Troup being one of the wealthiest and most respected citizens of the county. Price Hogan and Spencer Watkins were negroes, and their presence in office cast the first shadow of the storm to follow. The board, as then constituted, was not very threatening to the finances of the county because the majority were representative white men. Public improvements were then begun, however, which were later completed and which resulted in extravagance and graft. This board had the appointment of the grand juries of the county, two negroes represented the two supervisors' districts west of the river, and the grand jurors from those districts were usually negroes. Many of these negroes are still living and many of them are negroes of the commonest character. During the fall of 1871 Elisha Howell was removed for some cause, and Adam Bradford was appointed in his stead; Spencer Watkins resigned and Finis H. Little appeared in his stead. The successors of this board were elected the first Tuesday after the first Monday of November, 1871. The board then elected and which qualified the first Monday in January, 1872, was composed of T. R. Caldwell, W. C. Thomas, Washington L. Walton, Geo. Strong and Price Hogan.⁴ This board was also composed of three white men and two negroes, Strong and Hogan being negroes. W. L. Walton was elected president. Caldwell and Thomas were both from that part of the county chiefly inhabited by white

⁴Hogan, who soon became President of the Board, is still living in Monroe County, and is a respectable colored citizen. He is a real African and a preacher. He was a slave and has little education. He claims to have made some money out of politics, but says he lost most of it lending it to his political friends. He claims to be doing, and doubtless is doing, all he can to enlighten his race.

people, which was east of the Tombigbee, and seem to have set their faces squarely against the threatened misrule. One of the first protests which we find them recording on the minutes was against an order of the board allowing the return of a fine imposed for selling firearms to freedmen. There seems to have been a statute passed by the Legislature which enacted the famous "Black Code" forbidding the sale of firearms to freedmen. Very soon thereafter these same supervisors moved for the discharge of one J. H. Anderson, who, in the employment of the board, was superintending the construction of the county bridge across the Tombigbee. The reason they assigned was that Anderson was a party to the building contract. On July 3, 1872, Chesley Young, another negro, appears in the place of Geo. Strong as supervisor. At the August meeting the President, W. L. Walton, resigned, to take effect October 25th. In his place Wm. Watson, another negro, was elected or appointed. At the October meeting, 1872, these three negroes, constituting a quorum, met and elected Price Hogan president, and fined W. C. Thomas and T. R. Caldwell five dollars each for being absent. This seems to have been a special meeting. On October 21st, reciprocating the compliment, Caldwell and Thomas held a special meeting and fined Hogan, Young and Watson each five dollars for being absent from the special meeting. The minutes of the board from this time on for quite a while are authenticated by the scrawl of Price Hogan, the negro president, who sometimes signed himself as Price Hogan and sometimes as J. P. Hogan. A considerable contest seems to have sprung up about this time between Caldwell and Thomas and these three negroes, who not only insisted on ruling in their respective districts, but also in the white districts represented by Caldwell and Thomas. It seems that A. P. Huggins, who lived in the Fourth District, filled the office of sheriff for a time. He is the one who later became Superintendent of Public Instruction and whose whipping by the Ku Klux created such widespread disturbance. He began his political career as school director in Caldwell's district, the first. This action was later rescinded and J. A. Johnson, a resident citizen, appointed. The grand jurors were appointed at the January meeting, 1872, and we find Caldwell

and Thomas loudly protesting because they were not allowed to appoint or name the grand jurors from their districts. In March Caldwell tendered his resignation as supervisor, but it was not accepted for some reason, or perhaps withdrawn. It was at this time that the bridge over a very small stream in the county was let by contract to Wm. H. Hodges for \$4,000. The price was considered so outrageous and raised such a storm of opposition that the contract was later rescinded and relet for only a few hundred dollars. At this same meeting Price Hogan, the president, was allowed the sum of fifty dollars, a special allowance, for signing the bonds recently issued to the Memphis & Selma Railroad. Caldwell again protested. At the May meeting, 1873, Caldwell and Thomas, apparently in sheer desperation, resigned their places on the board. Some thought they should have stood by their guns, but they thought otherwise. They spread on the minutes of the board the following protest, which is here given in full:

"This day Messrs. Caldwell & Thomas, members of this board from the first and second districts, presented their resignations to the board, which is in the words and figures as follows, to wit:

"To the Honorable Board of Supervisors of Monroe County, State of Mississippi:

"The undersigned members of this board from the first and second districts of said county, beg leave to tender this, their resignation as members of this board, and state that they will positively not serve longer as members of said board.

"They further beg leave to offer the following reasons as operating upon their minds and consciences to induce this action:

1st. Because the action of the majority of the board is so fraught with ignorance and corruption as to render all the members personally and pecuniarily liable for its action and bring upon its members the just opprobrium of all honest and upright citizens.

"2nd. Because the undersigned are not willing to bear any part of such opprobrium, not being in any wise responsible for the same, and the action of the board being controlled for unconscionable partisan purposes.

"3rd. Because of the indifference of the citizens of the county in not supporting the protests of the undersigned as members of said board by taking legal steps to prevent the great frauds of the majority of the said board on the finances of the county.

"T. R. CALDWELL.
"W. C. THOMAS."

Upon motion of Chess Young "it was ordered that the above resignation be received and approved, and that the said Caldwell and Thomas be and they are hereby released as officers of this board."

The resignation of these members left three illiterate and practically irresponsible negroes masters of the county affairs of one of the wealthiest counties of the State, many of whose citizens for wealth, intelligence and civilization would rank with any in the country. The vacancies on the board seem not to have been filled until the November election, those elected taking their seats the first Monday in January, 1874. To make matters still worse S. C. Anderson, sheriff, died in the fall of that year, and on October 13, 1873, J. S. Watkins, a young and illiterate negro, who had been theretofore elected coroner, succeeded to the sheriffalty and was recognized as such on October 30, 1873. The new Board of Supervisors who qualified January 5, 1874, was composed of R. N. Stockton, Lafayette Willis, Chess Young, Wm. Watkins and James Stith. The first two were citizens of the highest character, the last three were negroes. Colonel Willis was elected president and Stockton was standing protestor from that time on. Colonel Willis was one of the wealthiest and most respected citizens of the county and seems to have exercised his talents by controlling the negroes by gentle and persuasive methods, but Stockton was a real son of Thunder. His protests spread on the minutes are mild and civil, but his anathemas uttered at the meetings of the board are said to have been sulphuric in the extreme. Judge Stockton, as he was familiarly known to a ripe old age, was a prosperous and well to do farmer in the hill country and a man of the very highest character, and he contended that strong and biting language was not improper for a gentleman in such times as those which we are now chronicling. So that when measures that he opposed were carried, and when his own measures were voted down by his adversaries, and when unjust allowances and levies were made and contracts let which he deemed improper, he would take comfort in chastening the three negroes with a dreadful scourge of abuse. This he kept up all through those days of misrule. While he did not boast of the service thus performed, there is no computing how many dollars he saved to the oppressed people by his torrents of denunciation and his actual and threatened use of his great hickory walking stick.

James W. Lee was elected sheriff at the November election⁵ of 1873 for the full term, and seems to have been elected also for the unexpired term in place of the negro, Joe Watkins, who had been coroner. Captain Lee was a gallant Confederate soldier in a Texas command and married into one of the best families of Monroe County. He was formerly a Democrat, but seems to have agreed with Governor Alcorn that the best way to serve his country was to join the Republicans and aid in controlling the negroes and preventing misrule among them. He became the leader of the Republican party in the county. He was and is still a man of a great deal of force and courage and character, and was finally overthrown in the upheaval that occurred on the 3d of November, 1875. He did much to keep the Republican party alive, but finally became more or less lukewarm, due no doubt to the continued failures which he suffered. He was later twice postmaster in Aberdeen and is now a respected citizen of Birmingham, Alabama.

A number of negroes held office in the county of Monroe who qualified in January, 1874. One, Wm. Holmes, who had been a representative in the Legislature, was elected treasurer. One Howard Settle was deputy sheriff under Lee, but was allowed by Lee to execute process only on the colored people. One, Ed. Williams, was on the police force of the city of Aberdeen, and about this time sundry negroes were justices of the peace within the bounds of the county.

The tax levies were very high as compared with what they are now and with what they should have been, but they were not so extortionate as in many other portions of the State, due, no doubt, in many instances to the protests of Caldwell and Thomas, the big stick of Stockton and the just resentment of a large citizenship, none of whom were very submissive. I find that the levy in 1871 was twenty-seven mills; in 1872 it was 300 per cent of the State levy; in 1873 it was thirty-four and

⁵I have been furnished by Judge Baxter McFarland with a copy of the Republican election ticket voted Nov. 4, 1873. The candidates for Chancery Clerk, Treasurer, Assessor, Coroner and Ranger and two of the three Representatives were negroes. Capt. Lee led the ticket for Sheriff and on the back is printed his picture festooned with flags and this certificate to be signed by each voter: "I certify that I voted this ticket without scratches or erasure on the 4th day of November, 1873."

[SIGNATURE.]

three-eighths mills; in 1874, thirty and eight-tenths mills; and in 1875 it was nineteen and eighty-eight one-hundredths mills. These levies, compared with those of the present day, considering the public improvements now being made, are very high. One of the greatest excesses indulged in by this board of supervisors was the length of time they sat. For instance, in January, 1871, they sat fourteen days; in February they sat nine days. Special meetings were frequent all along through the month, sometimes a quorum was present, sometimes not. Another species of extravagance seems to have been the jobs they let to white men mostly for constructing or overseeing the public improvements going on in the county. The carpet baggers seem to have been here in force, the negro was in office, but local white men seem always to have been found who would accept a large stipend for nominal public service.

III. ABERDEEN CITY GOVERNMENT.

The Aberdeen city government shows the same condition of anarchy that prevailed in the county. One J. F. Lacey was appointed mayor about October, 1870, by the then military Governor Ames. Some instances of Lacey's administration and the mock tragedy of his leaving Aberdeen are recited in the article of Judge Becket, Volume VIII, page 177, *Publications of the Mississippi Historical Society*. Lacey was from Pennsylvania originally. He had some generous instincts and was by no means a coward, but his bed was certainly not one of roses. During his administration of the mayor's office it was brought to his attention that in order for him to preserve his honor it was necessary for him to challenge for a duel one Tom Ragsdale, a young man about town, who it seems had been abusive of him in some respect. Lacey challenged Ragsdale, and Ragsdale decided to fight "fist and skull." T. G. Elliot, now of Memphis, was selected as Lacey's second, and M. H. Stevens, a city employe, was selected as Ragsdale's second. Lacey was a powerful man and both of the seconds were afraid that he would badly use up Ragsdale. The ring for the fight was established on the bank of the river, and it began with a considerable crowd which continued to swell until almost half of the male

population of the town was there before it was over. Stevens, Ragsdale's second, now a respected citizen of this county, states that his principal would certainly have been worsted but for the fact that Lacey had a magnificent flowing beard, which Ragsdale got hold of in the melee and refused to let go until his antagonist was out of breath. This duel was of course a huge burlesque in which all conspired against Lacey to bring him into ridicule. Things could not go too far, however, at this time, as Lacey was appointed by the military power and a detachment of the Federal soldiers was quartered at Aberdeen, which he could at any time call to his aid. Lacey's docket shows a huge number of breaches of the peace for a town of the size of Aberdeen at that time. In December, 1870, thirty-five (35) were docketed; in November preceding, twenty-eight (28), and in January following twenty-four (24). Some of the defendants' names it is deemed not improper to give, as their appearance in the roles they were then playing is no discredit at this day, especially considering the character of the men. For instance, I find the city of Aberdeen against Judge Joel M. Acker, three cases for cursing and resisting an officer; the city of Aberdeen against R. C. Becket, disturbing the peace⁶; the city of Aberdeen against W. H. Clopton, fighting; the city of Aberdeen against John D. McClusky, fighting; the city of Aberdeen against F. G. Barry, disturbing the peace; the city of Aberdeen against W. D. Hooper, disturbing the peace. It is a little odd that nearly all of these "insurgents" against the city's rule were lawyers and young men who became prominent lawyers afterward. We find numerous entries like this also: The city of Aberdeen against W. B. Woodmansee, "drunk and down." It will be remembered that Woodmansee was chancery clerk. We shall have more to say about him later.

Lacey's last entry was made April, 1871, about which time no doubt his hasty departure occurred, which is graphically chronicled in the article of Judge Becket, already referred to. Lacey was succeeded by Captain J. W. Lee, who served until he became sheriff, and was succeeded as mayor by T. J. Bran-nin. It would be extremely interesting to give all the stories

⁶The peace was broken in all of these encounters we have heard of by personal difficulties either with carpet bagger officers or federal soldiers, sometimes officers, sometimes privates.

that are told about the "fights and foot races" that occurred in Aberdeen about this time while the Federal soldiers were here and while these chaotic conditions prevailed. Tragedy and comedy were thoroughly intermixed. A few of these incidents will be referred to later on in connection with the defendants already mentioned who were prosecuted before the mayor. That the soldiers were not strict preservers of the peace is clearly evident from the great number of fines imposed against them for breaches of the peace. Another commentary is apropos to this history, which is that, where fines were imposed by the mayor against the distinguished lawyers and gentlemen whose names we have given as being prosecuted, rarely does it appear that one is marked "paid." It seems that they would suffer themselves to be arrested and fined, but there the machinery of the law would stop. Whether it was a lack of funds or whether they further resisted the officer does not appear.

IV. UNDER THE CONSTITUTION OF 1869.

The events that immediately followed the adoption of the Constitution of 1869 palpably demonstrated to every one that a new order of things had come about. As the common expression was, "the bottom rail was on top." How the people would extricate themselves no one could pretend to foresee. A rude and startling suggestion of this new order was the ejection of Governor Humphreys, a civil Governor elected by the people, who had only held his office by sufferance of the Federal authorities, from the gubernatorial mansion, and the installation therein of Adelbert Ames as military Governor. The Legislature which met in January, 1870, contained forty negroes, and among them was Wm. Holmes from Monroe County. The Federal troops, stationed at the various centers of the State, were directly under the command of the military Governor and ready to vindicate the authority of the new government officials in whatever they undertook. These events naturally developed sundry disorders. Chaos prevailed throughout the State. The people were not without hope that the end would come somehow, but how they knew not. It was about 1869-70

that the famous Ku Klux Klan, a secret society, was organized, which created widespread comment. General Forrest, "the wizard of the saddle," was about that time building the Memphis & Selma Railroad through Monroe County. Forrest is sometimes credited with organizing the Ku Klux, but that is now known not to be true. Certain it is that he and his brother, Wm. Forrest, boarded at the well known city hotel, then and for many years afterward kept by Major Warren A. Webb and his good wife. This hotel stood on the elevation just north of the county courthouse, and there Forrest and his brother spent many nights and Sundays, and of course they were not without interest in what was passing at the time. There cannot be a doubt that many a secret conclave was held between the men who exercised and controlled the Ku Klux and the Forrests. "The Robinsons" was another secret order of like character which existed about the same time. Gen. S. J. Gholson was the head of the Ku Klux Klan in Monroe County.

While the first negro Legislature was in session in March, 1870, an incident happened which acquired widespread interest and which finally reached the ears of Congress and the courts. I refer to the whipping by the Ku Klux of Col. A. P. Huggins, who was then Superintendent of Education in Monroe County. He was organizing public schools among the negroes and was supposed to be giving them encouragement in the line of demanding their political rights, and some thought was advocating social equality. I can hardly think he was doing the latter, for he seems to have been a man of some standing and of a moral and religious character. At any rate the Ku Klux saw fit in one of their nightly escapades to surround him where he was at the home of a Mr. Ross, where he was stopping in the country, and severely whip him. The man who did the actual whipping is now a well known citizen of Monroe County whose name it is needless to call.⁷ For a special account of this occur-

⁷Some say the bloody shirt worn by Huggins was carried to Washington by an army officer, turned over to Gen. Butler and that he waived the ensanguined garment in an impassioned sectional speech and that the incident gave rise to what is called "waiving the bloody shirt." I have not been able to positively verify this statement though it is vouched for by no less an authority than Major S. A. Jonas. Dr. Spofford, the learned ex-Librarian of Congress, says that no such incident occurred in the hall of the House of Representatives. Lieutenant Pickett is said to have carried the "bloody shirt" away from here.

rence I again refer to the article of Judge Becket, Volume VIII, page 177, *Publications of the Mississippi Historical Society*.

Certain it is that this occurrence gave the people of Monroe County much cause for regret, although none now or then were or are disposed to censure the motives of the men participating in the whipping. The Ku Klux Klan became so powerful and bold in its operations that Congress, on April 20, 1871, passed the Anti Ku Klux Act. When the United States Court met at Oxford many citizens of Monroe County were indicted for Ku Kluxing, among them being W. D. Walton and twenty-seven other persons who were charged with killing a negro. The name of the negro was Alex Page, who lived on the plantation of Mr. Andrew Pope, east of the Tombigbee. A writ of habeas corpus was taken out before Judge Hill to test the constitutionality of the Act, and the famous trial known as *ex parte Walton et al.* began June 28, 1871, at Oxford. A large number of the bar of Aberdeen were engaged in defending Walton and the others who were indicted. A great legal battle was fought. The United States District Attorney, Wells, was assisted in the prosecution by H. C. Blackman, H. W. Walter, Van H. Manning, G. P. M. Turner and E. P. Jacobson, United States District Attorney for the Southern District of Mississippi. The constitutionality of the Act was sustained by Judge Hill, but the defendants were released, some on bond and some on their personal recognizance. Walton's counsel were Col. W. F. Dowd, Col. R. O. Reynolds, Capt. E. O. Sykes and Capt. Robert E. Houston, and Capt. J. D. McClusky. The result was that Walton and the others came home heroes and were welcomed with great rejoicings by the town and country, and no further prosecutions were had under that Act.⁸ This was not the end, however, of the Ku Klux agitation. A subcommittee of the United States Senate composed of Gov. Geo. S. Boutwell of Massachusetts, Senator Angus Cameron of Wisconsin, Senator McMillon, Senator McDonald and Thomas F. Bayard of Delaware, began its investigations at Macon, November 9, 1871, and held other sittings, notably at Jackson and Aberdeen. During the sittings at Aberdeen Senator Bayard was considered the friend of the

⁸It was at the trial of these Ku Klux cases that the conduct of one of the government witnesses provoked the famous "court scene" in which L. Q. C. Lamar figured so conspicuously.

white people of the State of Mississippi, as he in truth was, and the other two members there present were put down as being more or less inimical to their interests and favorable to negro rule. It must be remembered that the possession of the right of franchise by the negro at that time was an untried experiment and unrestricted suffrage by them was advocated by leaders in the North, chief among whom were Stevens and Sumner. Senator Bayard was entertained while the committee sat in Aberdeen at the home of Capt. Thomas B. Sykes, and many interesting stories are told of his gracious manners, distinguished bearing, and his bold championship of what he believed to be right and his denunciation of what he believed to be wrong. He was in the minority on the committee, and it is said that more than once things and measures were attempted which he denounced so vigorously and sometimes so profanely that the committee would yield to his demands. That he rendered an invaluable service on that occasion is not doubted at this time. The testimony taken by the committee and printed by the Government is still intensely interesting and will serve as a foundation for the comment of future historians.

The aggravations of ignorance and extravagance and the perplexing annoyances of the negro office holder continued steadily on. The Ku Klux Klan may have become less prominent because of the fear of prosecutions, but its spirit and methods continued. An overt act it was dangerous to commit, both because of the presence of the Federal soldiery and because of the stringent Federal and State statutes enacted, and the persistent and steady enforcement of the thirteenth, fourteenth and fifteenth amendments to the Constitution of the United States. It seems that the people realizing that they were powerless to protect themselves in their rights and liberties in the face of a tremendous majority of qualified negro voters, determined by secret meetings to make the life of all the official representatives of the then civil government as unpleasant as possible and to terrify and intimidate the colored voters to the limit of endurance. To recount the harassing measures used which were generally secret, sometimes breaking out into open rupture and sometimes taking the shape of burlesque, would be an endless task. Among the leaders who determined to make the life of

the radicals and negroes unbearable were a number of prominent and promising young men of Aberdeen and the surrounding country, most of whom having lately come home from the war, had smelt powder, were brave and fearless, and were thoroughly determined that, come what might, they would never surrender to any such government as was then ruling the country. It would be impossible to name all of these, but among them were R. C. Becket, J. W. Howard, F. G. Barry, E. O. Sykes, S. A. Jonas, John D. McClusky, A. H. Whitfield, W. H. Clopton, W. D. Walton, A. E. Dalrymple, R. E. Houston, N. W. Hatch, James Dillingham, Plummer Willis, and many more too numerous to mention. These young men represented the white people and property rights of their country much in the same way that the Cossacks represent the governing power of Russia to-day. A large and weightier class of well known and older men did not engage in the nightly escapades of these younger ones; they did not advise the excesses committed, but felt that something had to be done to rid the country of the negro and the carpet bagger, and in lieu of some better device, they submitted to what was happening, no doubt, hoping, as was once said by Lord Milton, that "Whatever is, is right." Among these older men were Judge L. E. Houston, Col. R. O. Reynolds, A. J. Sykes, J. M. Trice, W. W. Troup, B. R. Howard, W. G. Evans, and W. H. Clopton, Sr., Col. L. Willis and many others. The writer is told by many of these young Cossacks, who are now grown older, that these old men were constantly warning them against their excesses, but just as often defending them when overtaken. Things grew no better, but worse, until January, 1874, when the famous taxpayers' convention met at Jackson to devise ways and means to better their condition and to save the property of the State from absolute confiscation, thus ultimately to preserve their civilization from utter extinction and ruin. The taxes reported delinquent from Monroe County are shown by the minutes of the Board of Supervisors to have been for the fiscal year of 1874, \$35,992.70. A very large percentage of the lands of the county were sold for taxes on the first Monday of January, 1875 and 1876. The taxpayers' convention alluded to infused new hope into the people. The Democratic Executive Committee of the State awoke to

renewed energies. J. Z. George was made chairman. County organizations of like spirit and character began work throughout the State. The chairman of the Executive Committee of Monroe County for the year was Col. John M. Moore and the secretary was E. O. Sykes. This committee, backed largely by the white people, determined to overthrow the government then in existence or to perish in the attempt. The Republicans of the county were led by J. W. Lee, candidate for sheriff, and Geo. C. Coleman, candidate for treasurer. The Democrats nominated J. W. Howard for sheriff, H. S. Gilleylen for chancery clerk, Andrew Wood for circuit clerk, and Col. W. W. Troup, J. M. Trice, and Major A. J. Sykes for representatives in the Legislature, and Col. R. O. Reynolds for senator. Col. Reynolds was a distinguished lawyer and orator. The three distinguished gentlemen named for representatives were wealthy planters and citizens who in anything but a crisis would have been very far from seeking or holding office at the sacrifice of their large business interests and of their inclinations. But the exigency was on hand which demanded the time, money, and even the life, if necessary, of every good citizen, and in selecting this ticket, it was not a question of who wanted office, but who was needed and who could best serve the people in getting rid of the negro and the carpet bagger, frequently led by misguided and deluded home people. The County Executive Committee taxed each of the candidates for Representative one thousand dollars (\$1,000) for campaign expenses, which sum was cheerfully paid.

V. THE ELECTION OF 1875 AND THE CAMPAIGN PRECEDING IT.

During the year 1874 public sentiment in the North began to change materially, and became much more sympathetic toward Southern white people and far more unfriendly to the carpet bag rule that was subjecting all the gulf States to humiliation. The use of the soldiery by the civil power in Louisiana that year to oust the Governor elected by the people and to install another at the point of the bayonet, and many other events that created less comment at the time, turned the tide of public sentiment. An open letter was written to the Southern people by

their leading Representatives in Congress in 1874, counseling moderation, patience, determination and reliance on the good will and the conservative sentiment of the North, and prophesying that light and relief would come to them by some means yet to be discovered. As the election to be held on the Tuesday after the first Monday of November, 1875, that being the 3d of November that year, approached, interest became more and more intense in the importance of the event and the determination of the white people to again resume the control of their own government became more widespread and universal. Preparations for the campaign began certainly not later than the beginning of the year 1875, and the campaign was organized under the name of Democracy. But beyond Democracy and beyond all else, was the overthrow of the carpet bagger, of the negro and of the scalawag. Politics has ever used derisive names, each adversary inventing epithets for his opponent. Mississippi adopted for Republicans from other States the term "carpet bagger," which was said to have been first used by Chas. A. Dana in the *New York Sun*; for the white Republicans, Mississippians by birth, was invented the opprobrious name "scalawag." The third name of the trilogy was "nigger." In the first election for Governor between Dent and Alcorn the Democrats supported Dent, the less offensive Republican as they thought. So the white people would have marshalled their forces under any name under heaven which would have offered the most sure relief, but as Democracy had survived all the changes of all the trying periods of the nation's history, and as most of the white people were in harmony with its real tenets, and as it was still the watchword of that party, which was supposed to guard the peoples' rights, the white people boldly organized themselves under the title of the Democratic party. In the work which began and ended so auspiciously, Monroe County was a leader and helped set the pace for many other counties in the State. It is claimed that many of the plans of organization and many of the methods of confusing the adversary were invented and first put into successful use by the capable leaders who inaugurated the campaign in this county. The Democratic Executive Committee was organized, consisting of twenty-five members. This committee

elected a central committee composed of five members, as follows: Dr. John M. Moore, chairman; E. O. Sykes, secretary; S. A. Jonas, Colonel Redwood and W. D. Hooper. This committee of five worked in secret and some of them gave their entire time to the campaign for many months preceding the election. They had in the treasury to start with about \$5,000. The military company was thoroughly organized and drilled. This was first inspired perhaps by Governor Alcorn's militia, largely composed of negro troops and commanded frequently by negro officers. One of these negro companies was in active service in Monroe County, commanded by Arthur Brooks, once a negro representative in the Legislature.⁹ This military company gave much ground for apprehension. The captain of this company at Aberdeen during the active campaign was E. O. Sykes, who succeeded General Gholson, and his lieutenants were Geo. C. Paine and John C. Wicks. The gunner who handled the artillery branch of the company was Captain George W. Elkin. In organizing this company the importance of noise and thunder was not underrated, and Major S. A. Jonas was accordingly sent to Mobile, where he purchased of the city authorities a twenty-four-pound cannon, which was brought to Aberdeen, mounted and put into service. Recognizing the importance of a bold, unflinching front, this committee inaugurated the sentiment that they were going to carry the election, if by fair means, well; but foul or fair, they were going to carry the election. They organized cavalcades of horsemen which, with their swift and brisk movements, added enthusiasm to every enterprise. In the background was a large company of old and wealthy men who would have been more or less distinguished in any like number of Anglo-Saxons in the world. I have already mentioned some of them. These were daily consulted by the leaders of the young men and the latter were as often warned against excess and imprudence. Capt. E. O. Sykes, who had charge of the campaign in its military aspects, that year, tells of frequent interviews with Bishop Robert Paine, an old and distinguished minister living in Aberdeen. He warned Sykes constantly on the lines indicated, but his

⁹This negro company was said to have been furnished guns by Gov. Ames at the state's expense. Capt. Sykes' company was armed with Enfield rifles furnished at their own expense.

invariable refrain was, "You must carry this election, you must carry this election; if you do not we are lost." And the seriousness of the problem could not be better illustrated than by the interposition of this serene old minister in the crisis.

It must not be forgotten that the Republican organization was very complete and was led by bold and strong men. The great mass of negroes were bold and many of them made politics their sole business. Much of the time of the Democrats was put in watching their adversary, in reconnoitering, as a soldier would say. The public discussions were not inaugurated by the Democrats, but by the Republicans. Their leading speakers were Capt. Lee, Colonel Coleman and W. H. Hodges, all native Southern men and Confederate soldiers. They published dates for series of meetings to be held for public speakings throughout the county during the summer, to which meetings all were invited, but no offer was made for a division of time with the Democrats. This announcement of the Republicans was immediately seized hold by the Democratic committee as the time and occasion to do their work. So they made all arrangements, all of which were of course secret, for having speakers at the first appointment at Cotton Gin, and demanding there a division of the time. When the day arrived the artillery, under command of Captain Elkin, went to Cotton Gin on the west side of the river, while the speakers, two of whom were E. O. Sykes and A. H. Whitfield, now Chief Justice of Mississippi, drove through to the east side. Cotton Gin, which has been since abandoned as a town, was then on the dividing line between the white and the black belt. There were great numbers of negroes present on this occasion, and the division of time was finally reluctantly granted by the Republican speakers. While Captain Sykes was making his reply, the cannon opened fire and created no little consternation and confusion among the negroes, who ran pell mell out of the house. The gentleman speaking for the Republican cause in the testimony before the Boutwell committee claimed that there was great confusion and a disposition on the part of the white Democrats to treat contemptuously the Republican speakers, to interrupt and insult them. The Democrats, however, in their evidence, disclaimed any such intention, but stated that any disorders that

arose grew out of the occasion, many being uncontrollable in such an atmosphere, and meant no disrespect. The speaking the next day was at Smithville, where the Democrats grew bolder, and it was claimed by some of the Republicans that Elkin would fire into the tree tops with his cannon and cut the limbs off and disturb those who were discussing the political issues. It was also claimed that while the Republican speakers were in the middle of their addresses Elkin would fire off his cannon. As everything was running on the military order, it is not disputed now that every feature of this campaign was arranged to discourage, to confuse, and to intimidate in all means that could be tolerated the Republican speaker and voter. At Quincy, the third day, Colonel Coleman claimed to have been again insulted, and considerable disturbance arose, which, however, was pretty thoroughly controlled by the cool-headed gentlemen in charge of the Democrats. The last public speaking on this round was had at Sulphur Springs, a place in the fork of the Buttahatchie and Tombigbee Rivers, in a thickly settled negro community, near the present home of Col. Lafayette Willis. It must not be forgotten that the negroes were bold enough in those days to cause great fears of conflict. They were out at Sulphur Springs in force, arrayed in military paraphernalia and were in command of an officer with drums to march by. A very disturbing element was a kettle drum in the hands of one of the negroes. The officers of the military command and the drummer sat on the front seat next to the speakers, and whenever a Republican speaker would make as he thought a strong point, the drummer would lead the applause by a loud beating of his drum. The Democrats had pressed into service a speaker by the name of Beck, a Georgia drummer, and were very anxious for the negroes to hear Beck, and the word got abroad that they intended to leave as soon as the Republican speakers were through. It was thought that Beck would have a strong influence over them. Plummer Willis and his brother, W. H. Walton, Young Quarles and many others of like type of young men, some of whom had lately been Confederate soldiers, were determined to control the meeting. Some of the negroes before the Boutwell committee complained that these young men would stand in the aisles during the speak-

ing and that one was seen to change a large pistol from one inside coat pocket to another. This charge was especially made against Plummer Willis, but he denies it, and he is a truthful man. He admits, however, that he was armed like all others present. Willis, after remonstrating with the drummer about the offensive use of his drum during the speaking, and to no effect, used his pistol over the negro's head. It was charged that Walton and others did the same thing. The writer has interviewed some of these gentlemen about this, and they claim that when the Republicans closed their arguments a sign was passed around among the negroes, indicating that they should leave. The Democrats determined that they should not leave and should hear their speakers, and so closed the doors. They claim that they struck some of the negroes with their pistols and kept them from jumping out of the windows. The Democrats seized and cut up the drums, but a collection was taken to pay for them before they left the ground. At any rate, the meeting at Sulphur Springs broke up in what the negroes called at that time a "riot."

The next speaking was advertised to take place at Paine's Chapel on the next day, in the very heart of the prairie and in the black belt. Great crowds of Democrats from the East side, including about seventy-five on horses who were at Sulphur Springs, an improvised military company commanded by James Dillingham came into Aberdeen, during the night and many started in force to Paine's Chapel the next day when they met many coming away who announced that the speaking had been called off. The Republicans saw from the Sulphur Springs experience that there was great danger of serious collision and that further prosecution of a joint canvass was unwise. The speaking did not discontinue, however. Both the Democrats and the Republicans were making incursions into various parts nightly and haranguing the voters. The Democrats sent able speakers who exhausted themselves talking to the negro voters. Many incidents, amusing and laughable, occurred in this campaign.

A move had been agitated during the fall of 1875 to refuse to rent to one-third of the negro hands, and it seems to have been intended to turn off the most offensive Republicans. A

large planter, and a Republican at that, in the northern part of the county of Monroe, Col. Overton Harris, wrote to the chairman of the Executive Committee that the negroes were stirred up over the resolution of the Democrats not to rent to them. Harris favored the Democrats in that election and wrote the committee to send him a conservative speaker. General Reuben Davis, Col. W. W. Troup and N. W. Hatch went out to Blackwell's Chapel to speak at Colonel Harris' invitation. A large audience of negroes was there, and General Davis was the principal speaker. Mr. Hatch is able to remember some portions of Davis' speech, and it may interest the future historian to have a sample of the lurid oratory of those days. General Davis spoke in part as follows:

"Colored men and fellow-citizens, the Democratic Executive Committee of Monroe County has sent me here to make a conservative speech. When I left my home, my wife asked me where I was going, and I told her 'I was going to fight the battles of my country.' I was going to the fifth beat to make a talk to the voters.' I understand the State Democratic Executive Committee has recommended to the planters to turn off one-third of the laborers, unless they vote the Democratic ticket. I understand you to say you don't give a d—m whether they turn you off or not, that you will never vote the Democratic ticket. I understand you to say you will go out and get your drinking water out of the creeks and branches. Who do the creeks and branches belong to? Colored men? Don't they belong to the white people? I understand you to say you will go out and live under the trees. Who do the trees belong to? Colored men? Don't the trees belong to the white people? No, colored men, the only way you can rid yourselves of the white people is to catch yourselves by the seats of your pants and lift yourselves 200 yards above the tops of the trees, d—m you! Who are your friends, colored men? The white people of the South are the best friends you ever had. The d—m Yankees took their ships and brought your ancestors to this country and sold them to the Southern people. And when the Southern people bought your ancestors, they fought and ate one another like wild animals. When your ancestors were found in the wilds of Africa, they were hanging from the limbs of the trees like baboons, and throwing cocoanuts at one another. Colored men, do you think the white people are a set of fools to feed and clothe you and then let you vote for the d—m carpet bagger?"

To this question a negro in the audience, seeing the great agitation of General Davis, rose from his seat and answering as to whether or not they thought General Davis and the white people were fools, said in a loud voice, "Yessir."

General Davis reached into his grip for his pistol, but Robert Gordon, who knew the negro, stopped Davis and told him not to hurt him, that he was deaf and wanted to please the speaker and then he began again:

"My colored friends, you are ruining the white people of the South, and yourselves as well, by running after the carpet bagger and voting the Republican ticket. If it goes much further, colored men, I am for war and blood, war to the knife, and the knife to the hilt."

At this challenge, a bold negro rose to his feet in the audience and responded, "I am, too, General Davis."

This was more than General Davis could stand; he went for his pistol again and made for the negro, who jumped out at the window, and the remaining colored portion of the audience did likewise. Col. Overton Harris complained bitterly at the committee for not sending him a conservative speaker as he requested. The oratory of General Davis was displayed in many localities in that campaign and it was a little more lurid than most others. General Davis' theory was that the best plan was not to persuade but to control and alarm the colored voter by threats of force. Whether he was right or not is a question to be left to the historian. Henry Kernaghan in his testimony before the Boutwell committee, describing the events in Rankin County, said "there was horror and the atmosphere was loaded with it, that there was not a more demoralized set of beings in the world than the negroes of that county."¹ The evidence now is that Kernaghan gave a true picture of the campaign of that year which culminated in the success of the white people on November the third following. A colored speaker in that campaign for the Democrats was Jeff Walker, whom the committee had employed to make speeches. A great meeting of the negroes was being addressed by Walker at Prairie Station. Colonel Reynolds also spoke on that occasion. Jeff Walker in his speech was telling the negroes that the Democrats would enact good laws, was telling them of the advantages of making hog stealing a penitentiary offense. A negro at once stood up in the audience and retorted, "Jeff Walker, youse no right to talk. Not eight months 'go Major Gus Sykes paid out \$150 to keep you out ub de pen fur stealin' a hog."

Walker instantly retorted, "Yes, dat is so, but den I wuz a Republican and it wuz part of our 'ligion to steal hogs from the white folks."

¹See Vol. II, *Report of the Select Committee to Enquire into the Mississippi Election of 1825*, pp. 1248 and 1250.

At this same meeting Col. Reynolds was illustrating the advantages to the colored man of having a white representative at Jackson, and told them if one of them was going to send money to Jackson, which would you send it by, Col. Troup, Maj. Gus Sykes or myself, or Jeff Walker, for instance.

A big negro at once replied from the back of the audience, "I believe I'd sen' mine by Jeff Walker, Col. Reynolds."

Ready as Col. Reynolds was, the retort puzzled him, until some one near by told him that the negro making it lived on the plantation owned by Mrs. Reynolds, his wife. Col. Reynolds at once ordered the negro to leave his plantation, that he did not want so impudent a tenant on it. The negro instantly replied, "All right, Colonel, de grass-hoppers has already eat up everything anyhow."

VI. ELECTION DAY AT ABERDEEN, NOVEMBER 3, 1875.

The tension was near the breaking point at Aberdeen on November 3, 1875, election day. It must be remembered that the campaign was a stirring one, lasting for months. The organization of the Democrats was perfect; there was no defect anywhere. Major Jonas, who was a member of the central committee of five and practically directed everything, characterizes the campaign as a military campaign. Abundant funds were provided. Of the County Executive Committee of twenty-five, five were in every beat and scattered all over the county. Orders coming from the central committee at Aberdeen were promptly and faithfully executed. The plans of the campaign were guarded with military secrecy. The most noted and effective speakers to be had were engaged. Lamar spoke to a great throng from a portico of the county courthouse. Col. Chas. E. Hooker came after great importunity. It is the striking comment that, when the invitation was extended to him through Major Jonas, he expressed the opinion that it was useless to spend time, money, and energy on a county with such a negro majority as Monroe. But he came and returned home enthusiastic, to be himself elected to Congress.

Monroe seems to have been the first or among the first to inaugurate the use of the cannon. Campaigning on horseback

was also put in vogue here. The effect of hundreds of men parading on horseback on days of public speaking was as inspiring to the Democrats as it was depressing to the radicals. For a more pleasing effect there was a local glee club organized by Mr. E. H. Bristow, a member of the bar, and Esquire B. C. Sims, both excellent musicians. The singers were negroes led by Sims. The latter was elected a justice of the peace at that election, and has held that important office to this good day. Federal soldiers were still quartered at Aberdeen, and it was a matter of some concern to the leaders as to what part they would take in the election. Dr. J. M. Greene and two others were deputed as a committee to interview the captain in command. That officer had already become disgusted with the work to which he was detailed and was not slow to agree that the election might be relieved of any military flavor.

The negroes throughout the county were alarmed by the inroads made in their own ranks by the Democrats. The spectacular and warlike campaign had intimidated them, as was no doubt intended. To again use the expressive language of Henry Kernaghan before the Boutwell Committee, "There was terror and the atmosphere was loaded with it." An election law allowed a voter to either vote at his own precinct or at the county seat. Feeling no doubt that they would be more secure at the county seat where most of the leaders were, there was a movement among the negroes to come to Aberdeen to vote. Foreseeing danger from this course, the Democrats discouraged massing the negroes at one voting place.² Men were detailed at every precinct to go to the homes of the negroes and advise them to stay away from the election. The county bridge over the Tombigbee was turned during the night before the election to keep the negroes from the east side out of town. But many found a ford higher up and crossed. The way was open from the west, where most of the negroes lived, and they came in droves.

Capt. E. O. Sykes in command of the military company was on hand at sunup to send some gentlemen on horses to Muldon

²A few days before the election a meeting was had between the leaders of the Democrats and Republicans, when the latter were asked to advise the negroes to vote at home precincts, but no agreement was reached.

and elsewhere in the black district. They were about to leave, with Judge Locke E. Houston at their head, when it was discovered that the courthouse yard, which is off the main public street, was rapidly filling up with negroes from all quarters of the county who had evidently left their homes in many instances during the night. Among these horsemen were some Alabamians who had volunteered to come across the line and help carry the county for the Democrats. They had crossed over from the east before the bridge was turned. Much testimony as to the intimidation by these horsemen from Alabama was given before the Boutwell Committee. At any rate, they at once desisted from their ride to the country and galloped into the street west of the county courthouse.³ General Reuben Davis testified before the Boutwell Committee that apprehending a crisis of some sort, he ate his breakfast early, told his family "good-bye" and was at the courthouse by seven o'clock, several hundred negroes were already there and they were rapidly increasing in numbers. The cannon was soon planted at the northwest corner of the courthouse in command of Elkin. By the time the voters were really awake to the situation, the large courthouse yard of several acres was a mass of negro voters and the polls at the east door of the courthouse were practically inaccessible to the people from the town offering to vote. So high had become the tension that Captain Lee, the sheriff and a candidate for re-election, was advised by his friends to leave the courthouse.⁴ He was a fearless man but he acceded to this and spent most of the day at the jail and at the house of the jailer near by. Many negroes had clubs, some with feathers in their hats, and many were bedecked in various forms of military paraphernalia.

The crisis came when A. E. Dalrymple, of Amory, then a lusty young fellow, struck a negro, who was in his way at the polling place, over the head. The use of other sticks followed rapidly and the negroes were soon stampeded and started for their home precincts. The noise of the cannon and the swift

³The position of these horsemen was between the courthouse, where the negroes were, and jail, where it was believed the guns of the negro military company were.

⁴Wordy altercation had already occurred early that morning over the election between Capt. Lee and Capt. T. B. Sykes.

movements of the cavalry company accelerated their movements. Not one was seriously hurt, but the bridge to the east of the town being turned many forgot the ford higher up and swam the river in their hasty retreat. Most of them of course lost their opportunity to vote at the county seat and many did not vote at all. Capt. Lee testified before the Boutwell Committee that he thought thirteen hundred were driven away from the county courthouse; some thought a less number.⁵ At any rate, after the incident just recounted, the election at Aberdeen was most quiet and orderly. The news of this occurrence, which happened early in the day, sped rapidly to other precincts in the county and gave the Democrats renewed energy. The horsemen already described rode rapidly to other voting places and the enthusiasm spread. Many negroes voted the Democratic ticket, many did not vote at all. I have searched in vain at the office of the Secretary of State for the tabulated vote, only fragments of which are to be found. The best criterion showing the change of complexion in the vote of the county I can find is in that for State Senator. The candidates for the State Senate in 1871 were F. H. Little, Republican, who received 2,457 votes, and E. O. Sykes, Democrat, who received 1,905 votes. In 1875, R. O. Reynolds, Democratic candidate for the State Senate, received 2,611 votes, and William Hodges, Republican candidate, 1,536 votes. The election machinery was at this time in the hands of the Republicans and there could have been no stuffing of ballot boxes for the Democrats. The leading county officers elected at this election were J. W. Howard, sheriff; H. S. Gilleylen, chancery clerk; Andrew Wood, circuit clerk; W. W. Troop, J. M. Trice and A. J. Sykes, representatives, and R. O. Reynolds, senator.

Since that day the white people of Monroe County have never surrendered their control of its political affairs. However, they have constantly remained on friendly terms with the colored population, who have remained reasonably contented and prosperous. While the whites have increased considerably in numbers since then the negroes have remained almost numer-

⁵See Vol. II, *Report of Select Committee to Enquire into Mississippi Election of 1874*, p. 1030.

ically the same. Many interesting incidents might be recounted between the election of 1875 and the adoption of the Constitution of 1890, but reconstruction was practically complete when the vote was counted, November 3, 1875.

VII. INCIDENTS.

A book could be written of incidents, sometimes amusing, sometimes tragic, which occurred during the reconstruction period. The younger portion of the population led by the recently paroled Confederate soldiers, some of whose names have been mentioned, determined to make the conditions as disagreeable for the Republicans whose plans and principles favored negro rule for the county as was possible. While the soldiers were quartered here, much took the form of burlesque. Many huge practical jokes were got off, many of which have been related elsewhere and referred to already. Maj. F. G. Barry and Judge Herbert, a Republican of Southern birth, had a very serious shooting affray. Barry and his companions were that night arrested by the soldiers, put on their parol, and were the next morning arraigned for trial in military style. When they were asked their names, they responded somewhat as follows: Barry would say "I am Frederick Napoleon Wellington Barry." Jno. D. McCluskey answered "I am Oliver Cromwell, McClusky." Becket would answer to his name, "I am Richard, the Lion-Hearted Becket." This illustrates the sort of contemptuous, yet not strictly forbidden, demeanor the accused exercised toward the military tribunal. McClusky, now a well known lawyer of Vernon, Alabama, and a highly respected citizen, came to Aberdeen from Northern Alabama, near Tuscumbia, in 1866. He began life as a printer, but after the war, donned his worn-out captain's uniform and set out for Mexico. All he claimed of the estate of his ancestors was an old family carriage and a pair of ponies. He reached Aberdeen on his way South and having a brother-in-law here, changed his mind, sold out his equipage, and began studying law. Col. McClusky is of Scotch-Irish extraction and is a natural wit. He never got excited, and had abundant courage to carry out his plans when formed. A frequent resource of his was to pretend an undying

friendship for officeholders whose lives he intended to make miserable, often lying awake at nights to devise schemes to humiliate them. He was bold enough, however, when occasion demanded it. He was on one occasion sent with some other young men to White's store in the northern part of the county to meet Republican speakers. A division of time was refused, but while the adversary was speaking, McClusky and his friends climbed into the wagon used as a temporary rostrum. When the Republican speaker was through, McClusky stood up with a pistol in each hand; he told the crowd that he intended to speak, and waving his pistols, he said, "And maybe these will speak also."

McClusky made Mayor Lacey believe that he was his only friend and Lacey appointed him, in his absence, mayor *pro tem.* He presided with great dignity in the mayor's chair and pronounced some remarkable judgments. One of the complaints that he heard was that of a negro who was working about some man's house in town and made a bitter complaint that his employer kicked him for not making a fire in time one morning. McClusky heard his complaint with a great deal of gravity and then turned to the deputy sheriff and asked where he had hung the negro he had executed on the day before. The deputy sheriff saw the joke and humored it by answering McClusky, but before he got through describing where he erected the gallows, the prosecutor of his employer was gone. McClusky boarded at the city hotel kept by Maj. Webb and his wife already referred to. Woodmansee, the chancery clerk, was also about the hotel a great deal, and especially when he was drinking. Maj. Webb tells it that late after midnight on one occasion he heard a dreadful noise in the wagon yard and went out to inquire about it, and found that McClusky and a lot of the other fellows had found Woodmansee drunk, had put him in the wagonbed and nailed him up. Woodmansee had come to and was kicking wildly and clamoring for his liberty, and Webb liberated him.

The negroes had grown tremendously afraid of firearms and anything that sounded like a gun promptly set their legs in motion. One day in the winter McClusky found a saloon full of them. He pulled off the corner of a house one of the tin

down-pipes, the lower elbow of which was stopped up with ice. He set a bunch of cannon crackers on fire, dropped them into this improvised cannon, and at once pushed the open end of the down-pipe through a broken pane in the window, leveling it squarely at the negroes. They were of course taken terribly by surprise at being confronted with such an instrument of death. Some ran under the counters, some out of the doors, and it is claimed that some of them carried off window sashes as they jumped through the windows. This joke played such havoc that McClusky reloaded his gun, and finding a negro ball in progress that night, broke it up in the same way. Of course he had to pay the usual fines for such escapades, rather they seem to have been levied but never paid, but they were some of the devices employed to make the Republicans uncomfortable, and politics was at the bottom of it all. It seems that Governor Alcorn heard how McClusky got into the good graces of Lacey, the mayor, advised him that a mob was assembling to do him harm and carried him to the M. & O. railroad station to seek safety, and put him aboard the train south, all as related in the article of Judge Becket heretofore referred to. McClusky was later in Oxford while Governor Alcorn was there, and the Governor sent for him to come to his room at the hotel, and with great gravity asked how it happened that he had treated Lacey the way it was reported he had done. McClusky at once told the Governor that he understood it to be a rule of commercial law that when a merchant got goods that he had not ordered, that he could always return them.

"Now," he says, "Governor, you Republicans shipped us Lacey for mayor, and as he did not suit us, we concluded we would just ship him back to you."

It is reported that the Governor could no longer contain himself and rolled over on his bed bursting with laughter. It would be impossible to recount all the numerous pranks that were played on the Federal soldiers. Sometimes they were not altogether pranks, for McClusky and Capt. W. H. Clopton were each said to have whipped an army officer belonging to the Federal military company in a fisticuff on the same day.

RECONSTRUCTION AND ITS DESTRUCTION IN HINDS COUNTY.

BY W. CALVIN WELLS.¹

To fully understand the condition of Hinds County at the time the Reconstruction Acts went into effect, one must not only know the condition of the country at that time, but must have in mind the import of the reconstruction measures. In order to do this it will be well to go back a little and review very briefly the history of the country. In 1861 the memorable election took place by which Abraham Lincoln was chosen President of the United States. The political status of the North gave the

¹W. CALVIN WELLS was born in Hinds County, Mississippi, about eight miles south of Edwards, on January 25, 1844. He was the son of Thomas Wells and Cynthia (Thompson) Wells. The Wells family is of English extraction, and emigrated first to Abbeville District, South Carolina, and about the beginning of the nineteenth century settled in southern Mississippi. The parents of W. Calvin Wells were pioneers in Hinds County, entering land from the United States Government at the land office at Mount Salus, now Clinton, Mississippi.

At the beginning of the War between the States the subject of this sketch, at the age of seventeen years, enlisted in the 22d Mississippi Regiment, Infantry, C. S. A., and served with distinction throughout the entire period of hostilities.

At the close of the war he entered the University of Mississippi, from which institution he was graduated with special distinction in the class of 1869, taking the degree of Bachelor of Arts.

He was married in August, 1869, to Miss Mary Eliza Miller, a daughter of Rev. John Henry Miller (Lt. Col. 1st Miss. Cavalry, C. S. A.) and Eliza (Givhan) Miller of Pontotoc, Mississippi.

He read law privately and was admitted to the bar in 1871, at Raymond, Mississippi, and is still in the active practice of his profession, now living in Jackson, Mississippi, where he moved in 1893.

He was Secretary of the Executive Campaign Committee of Hinds County during the notable campaign of 1875, when a political revolution took place, and the white people again seized the reins of government.

Mr. Wells is a ruling elder in the First Presbyterian Church of Jackson, Mississippi, and has repeatedly represented his church in the higher courts of his denomination.

He has been the commander of the Robert A. Smith Camp of United Confederate Veterans, of Jackson, Mississippi, holding that office for many years.

He has always stood high in his profession, and having made a specialty of the law of real property, has had a large and successful practice, especially in that branch of the law.

As a man he has been marked by a strong love for his State, by unswerving devotion to duty, and by a steadfast adherence to those principles that he believed would make for the moral, intellectual, and material advancement of his people.—EDITOR.

country three political parties, the Democrats, the Whigs, and the Republicans. The Republicans were made up of two classes, called then Republicans and Black Republicans. The views of the Black Republicans differed from the Republicans in that they had the most extreme views on the subject of slavery. They hated the slave owner with great intensity, and sought to do just what was done by Mr. Lincoln,—emancipate every slave and make him a citizen with all the rights of the white race. The Black Republicans were in the minority and were unable to get the Republican platform based on such extreme measures as they advocated. If that had been done, Mr. Lincoln could never have been elected. It is claimed now by some of his friends that he entertained those extreme views when he was elected.

He said in his inaugural address:

"I have no purpose, directly or indirectly, to interfere with the institution of slavery in the States where it exists. I believe I have no lawful right to do so, and I have no inclination to do so."

The Southern people did not believe he was sincere in this, but believed that the policies of his administration would tend to the emancipation of the slaves, and that when opportunity arrived, he would override all law and the constitution, and emancipate the slaves. Indeed, the biographer of Henry Ward Beecher tells us that Mr. Lincoln promised him that as soon as public sentiment would sustain him, he would issue an emancipation proclamation. And we know that after he became President, Mr. Beecher visited him frequently, urging him to issue the proclamation.

However that may be, the Black Republicans continued to grow in influence and power, and the result was finally consummated in what is known as the Reconstruction Measures. On March 2, 1867, the reconstruction laws were passed and immediately went into effect.

A brief retrospect of Mississippi and of Hinds County from the time of the surrender of the Confederate forces down to the time of the passage of these acts will help the reader to understand the condition of things and the effects of reconstruction on this county.

When the war closed Mississippi had a government which was in operation in all of its departments, save where it was interfered with by the invading armies of the United States. Only a part of the State was held by those armies and the remainder of it had its officials as before the war. The same laws were in force that had existed prior to the war, with the exception of those which had been changed to meet the wants of the State in its relation to the Confederate Government and its military needs. Charles Clark, the Governor of the State, called together the Legislature immediately after the surrender of the Confederate armies. No sooner had it organized and gotten to work than orders came from Washington that it should disperse. Governor Clark was arrested in his office in the Capitol by the United States forces under Canby, and was carried away to prison.

It had been contended by Mr. Lincoln all along that the war was not one of conquest, that the States could not secede, and that they were all the time in the Union and a part of it. But when the conquest was made and the people of the South had laid down their arms, the fact that they had seceded was admitted. W. L. Sharkey, who was appointed Provisional Governor by President Andrew Johnson, on the 13th of June, 1865, proceeded to get the affairs into running order. He had an election for all State and county officers on the 20th of October, 1865. At that time the following persons were elected for Hinds County:

- R. N. Hall, Probate Judge.
- W. T. Ratliff, Probate Clerk.
- W. O. Chapman, Circuit Clerk.
- S. B. Thomas, Sheriff.
- H. S. Pond, Treasurer.
- A. J. Chapman, Assessor.
- P. M. Alston, Ranger.
- E. B. Lamons, Coroner.
- T. G. Dabney, Surveyor.

With the exception of a few, who were too old, these were all ex-Confederate soldiers, and without an exception they were all of them splendid citizens. Most of them had been born and reared in the county. The fact that these men had all been in the Confederate service chafed the Northern people, and was

used by the Black Republicans in their efforts to get the reconstruction laws passed. At that election, the prestige of being a Confederate caused nearly every State office to be filled by men of that class. Andrew Johnson was President, and because he was a Southern man and had taken sides with the North, he was intensely hated by the South. His recommendations made through Governor Sharkey were unheeded, as neither the State convention nor the Legislature would listen to his advice. I refer to these things here to show that our own conduct helped to bring on us the reconstruction laws as they were subsequently passed. This also helped the passage of the three reconstruction amendments to the Constitution.

On the 2d of March, 1867, the reconstruction laws passed Congress. They placed the whole of the South under military rule, swept out of office all who could not take the *Ironclad Oath*, and placed in office the carpetbagger, the negro and the scalawag.

Of the officers who were elected in Hinds County, as herein-before narrated—when the reconstruction laws became effective in Mississippi—the following declined to take the ironclad oath and were driven from office, others being appointed instead by general order of the commander of the district:

R. N. Hall, Probate Judge, resigned and A. L. Dabney was appointed in his stead, on September 15, 1867. W. O. Chapman, Circuit Clerk, was removed and L. A. Lindsey appointed in his stead, on March 13, 1867, and in turn he was removed and J. M. Stone appointed on April 13, 1869. Stone was then removed and N. Hodge appointed in his stead on September 11, 1869. W. T. Ratliff was removed and Samuel Donnell appointed in his stead on April 3, 1869. A. L. Dabney, Probate Judge, was removed and E. W. Cabaness appointed in his stead, April 13, 1869. H. S. Pond, Treasurer, was removed and Thos. Palmer appointed in his stead, May 6, 1869. Afterwards, J. A. Herron was appointed Treasurer on May 29, 1869. S. B. Thomas, Sheriff, was removed and J. L. Lake, Jr., was appointed, June 17, 1869.

It is well here to remark that a scalawag was a Southern man who became a Republican, and the carpetbagger was a Northern man who came here to hold office, some of them being imported for the purpose. Of the men named above, Samuel Donnell,

J. L. Lake, Jr., and N. Hodge, were carpetbaggers; E. W. Cabaniss and Thos. Palmer were denominated scalawags, and J. M. Stone and J. A. Herron were, and still are, unknown to the writer.

Of the supervisors of the county, then called members of the board of police, the following were elected and qualified, in October, 1865: N. W. Bankston, T. A. Millon, John Brown, Hugh Campbell, and Howell Hobbs. In 1866 R. B. Coorpender became supervisor in place of John Brown. When the removal by military authority came, the following changes were made:

L. J. Fathere in place of R. B. Coorpender, by special order (military), October 12, 1867.

E. D. Fisher and Ned Hill, May 3, 1869.

Chas. Caldwell, May 28, 1869.

The board then consisted of W. S. Cabell, scalawag; L. J. Fathere, scalawag; E. D. Fisher, carpetbagger; Ned Hill, negro, and Chas. Caldwell, negro.

The board of supervisors are of more importance to the county than are any other officials, since they provide for the expenditure of all the money in the treasury, provide also for the levy of all the taxes, and the approval or adjustment of the tax rolls. This board, as then constituted, was the first to begin the extravagant waste of the people's money.

It will thus be seen that in the year 1869 Hinds County was turned over to the plunderers, by military authority, for after the reconstruction acts went into effect the whole South was under a military despotism.

The robbing of the treasury under this and subsequent boards of supervisors, down to 1876, was fearful. One illustration out of hundreds that might be given will put the reader in possession of how things were managed. The board of supervisors has, as is known, control of bridge building and road-working throughout the county; and although at that time the whole board passed on questions of the outlay of money, each member had the practical control of everything in his district. In 1869 or 1870, L. J. Fathere was the member from what was then known as the Five Mile district. In that were two important points for bridges,—one on the Utica and Edwards road where it crosses Fourteen Mile creek, and the other on the lower Raymond and

Edwards road across Baker's creek. These bridges had been destroyed during the war and had never been rebuilt. The board having passed an order that they should be rebuilt, left it to L. J. Fathere, the member from that district, to let out the contract. He made a contract with his brother to build both of them of wood,—the one across Fourteen Mile creek for \$5,000, and the one across Baker's creek for \$4,000. The contractor went to work and erected both of the bridges. Before they were received and paid for, the writer passed by the one over Fourteen Mile creek and carefully looked at it and felt convinced that it would in a short time fall of its own weight. He so notified a number of the best citizens, some of them experienced bridge builders, and appointed a day when they should all meet there for consultation. They were all of the opinion that the bridge where they met would fall of its own weight, and as the other bridge was like it, only a little shorter, it was agreed that a purse should be made up and an attorney employed to enjoin the reception of the bridges. The writer, being the youngest man in the company, was requested to raise the money and employ counsel. The money was soon made up and counsel employed.

It should now be stated that the citizens who met at the bridge had lived there since the pioneer days of the county, and knew every bridge, and the cost of it, that had ever been built there. The first one cost \$350 and stayed there very many years, until it finally rotted down. Another was built at an advanced cost, and it rotted down, and one was built just prior to the war at a cost of \$1,250, and the citizens made a great howl at such extravagance. But it was an excellent bridge, and gave good service until it was destroyed during the war. The reader can thus compare these figures with \$5,000, now about to be paid for a bridge that competent men said would fall in a short time of its own weight.

L. J. Fathere, the member of the board who had the matter in hand, hearing of what was being done by the citizens of the neighborhood, came to the writer and told him he had heard of what was being done and had come to assure him that he would never accept the bridges as they were, and that he had no thought of paying \$9,000 for them. He said that he would see that they were securely and properly made, that he had

kept an account of the expense incurred by his brother in the building of them, and that nothing more than that would be paid. The writer notified the citizens of what had been told him by Fathere, and having confidence in him, the intended suit was called off. Imagine our chagrin when we learned that the very first act of the board of supervisors when it met was to receive the two bridges and issue the warrant for \$9,000 for them, without any futher work being done on them. The writer immediately wrote an article detailing the circumstances of the transaction and published it in the *Hinds County Gazette* and dared Fathere to deny it, which he never did. The bridges fell in less than a year, of their own weight, as had been predicted. When the grand jury met, Hon. Luke Lea, who was district attorney, had the writer called before it and questioned him himself. As the writer was leaving the room he heard Mr. Lea urge the grand jury to act on that and other testimony. But the grand jury was made up principally of negroes, and so nothing was ever done.

Some years afterwards, a scalawag officeholder told me that he and a number of other prominent Republicans were interested in those bridges and divided the spoil between them. He said that he was uneasy about the warrant which reached him until it had been cashed and he had the money in his pocket. Fathere could stand public sentiment no longer than the end of his term, and then sold out and left the State never to return. This was by no means the only case of robbery of the county. They were legion, and to meet them taxes went up to thirty dollars on the thousand, and still the county warrants went down to as low as sixty cents on the dollar.

During the years which intervened between 1870 and 1875 things went from bad to worse. The elections which were held in those years always went Republican, as the negroes, the scalawags and carpetbaggers had complete control of the Republican party, for they alone composed it. I heard Governor Alcorn say in an address at the courthouse at Raymond:

"My countrymen, it has been said that the Republican party in Mississippi is composed of myself, a few carpetbaggers, and the negroes,—and I think that that is about correct."

At the election in 1873 there were one white man and four negroes elected members of the board of supervisors, and they held office until after the election in 1875. The Democrats through that period felt that they were in a hopeless condition and would have to stand all that the Republican majority would put upon them. Behind it stood the military power of the United States, and while there were only a thousand United States soldiers in Mississippi, yet behind that was the whole United States Government. The negro, if he had any reason about him, refused to exercise it when approached by a Democrat to argue with him. They were taught by the Federal soldiers and by the white Republican leaders that they must stand together and vote the ticket "even if it contained a yellow dog." Intimidation was immediately brought to bear on one of their number who should listen for one moment to a Democrat's persuasive argument that all was going to ruin under the Republican rule.

Let it be said to their credit that there were always a few negroes who stood by the Democratic party. One, to whom I was greatly attached, because he had gone through the war with me,—had been captured by the Federal army three times but had each time escaped and returned to me—refused to join the Republican party, and for a long time voted the Democratic ticket. For this he was maligned and abused by nearly all of his color, including his own wife. Finally a number of them jumped on him and cut him so badly he barely recovered. He came to me at the next election and told me that he could not vote the Democratic ticket any more for fear of his life, but that he would never vote the Republican ticket. The political condition seemed so hopeless that until the summer of 1874 but little was done to thwart the Republican party of Mississippi. During that time the negroes became exceedingly insolent and overbearing towards the white people. How the white people ever stood what they did is a wonder to those of us who lived under it.

In the summer of 1874 a few of us got together at Raymond, formed a taxpayers' league, and began a concerted effort to keep down the extravagance of the board of supervisors. But we could really do little except protest. And so matters went on until the election in 1875 began to approach, when, driven to

desperation, we started the opposition to radical rule and kept it up until after the election. The feeling of unrest and determination to rebel against Republican rule grew throughout the county, at first without much concerted effort. Every taxpayer felt it, and at the suggestion that clubs should be formed at every voting precinct, it was promptly done. The Democratic Executive Committee was composed of some of the very best men in the county. It met at Raymond and organized with C. D. Gillespie, an attorney at Raymond, as chairman, and the writer as secretary. A subcommittee to manage the campaign was appointed, consisting of five men who lived at or near Raymond, and including the chairman and secretary of the executive committee. We urged the establishment of clubs at every voting precinct, and asked that they have meetings every Saturday, and that a report after every meeting should be made to the secretary of the executive committee, and that these reports should give the numbers in attendance and the additions to each club. We urged them to get a list of all the Democratic voters in the precinct and that personal efforts be made to get every one of them to join a club. This was pretty thoroughly carried out. We then urged every man to select the negro voter with whom he had the greatest influence and endeavor to get him to join, and to promise him protection from the Republicans in so doing, and to carry out to the letter that promise. Before the 18th of August, 1875, we had a thorough organization, and our membership included some negroes. The executive committee then called for a mass meeting at Raymond to be held on the 18th of August, and urged every Democrat, white and black, to come on horseback and in procession. They formed at their respective precincts and marched to Raymond, exhibiting all the way the greatest enthusiasm. Many of these clubs provided themselves with uniforms. The one I remember most distinctly was the Terry club, who had fancy shirts trimmed in red. At the head of this club was ex-Governor A. G. Brown.

Everything was carried in that parade which would belittle and degrade the Republican party. It was the greatest demonstration of the kind ever seen before or since at Raymond. The line of march was so long that the streets of the little town would not hold it. The people passed through on every street

and went to a grove north of the town where they disbanded and gathered around the improvised stand. The wildest enthusiasm prevailed, and when C. D. Gillespie, chairman of the executive committee called the meeting to order, quiet could scarcely be restored until ex-Governor Albert G. Brown, with his red shirt on, was introduced as chairman of the meeting. He made an enthusiastic address. If my memory serves me right, Maj. E. Barksdale of Jackson made the next speech. But the people needed no speaking to arouse them to their duty. Even the barbecue which had been provided had but little attraction. Resolutions were passed expressive of the determination of the Democrats to carry the election, and pledging every man to do his duty. In talking with the negroes emphasis was laid on the fact that every one who joined the Democratic club would be defended to the death if need be. It was not the policy of the democracy to indulge in much speaking, as we had found that public speaking to the negroes amounted to nothing. The clubs continued to grow, but very slowly, when about the first of September the executive committee received from the Republicans an invitation to a joint debate at Clinton on the 4th of September.

The invitation to the joint discussion was sent to me by the Republicans, and the subcommittee was called together to consider the matter. We concluded to accept and I was instructed to invite the Hon. Amos R. Johnston to represent the Democrats and speak on that occasion. He responded to my letter that he would be present and speak as we had requested. On Saturday morning the 4th of September, the day for the meeting at Clinton, I found that very few white people were inclined to go. Just before I was ready to go I stepped into Col. Richard Charlton's store, and he asked me if I knew the negroes were purchasing ammunition. I replied that I did not know it. He then told me that quite a large number had purchased ammunition and that when he found so many buying he had declined to sell any more to them. He remarked, if you go to Clinton you had better go prepared. I went to my office and got from a relative my navy six shooter I had when the war closed, and asked him if it was all right. He said that he had cleaned it up and it was all right (I had not seen it for a long time). I told him what

Colonel Charlton had said, and he went and prepared himself. I do not know how many white men were at that meeting, but the highest number I ever heard named was seventy-five. These were principally from Raymond, Clinton and the surrounding neighborhood. On our way to Clinton, in and around the town and on the grounds, an immense crowd of negroes appeared. The men were formed in companies and the whole put together like a regiment with commanders, though with not very much order save that they kept in the lines as placed and marched through Clinton. Their manner was arrogant and somewhat offensive toward us, and there was evidence of bad feeling toward the white people. When we arrived at the grounds the Democratic and the Republican members of the committees got together and arranged the program about as follows: John M. Chilton, a Republican, raised in the county and the son of a distinguished lawyer, presided over the meeting. Judge Johnston was to open with an address of one hour and a quarter, to be followed by H. T. Fisher, a carpetbag Republican and the editor of a Republican paper at Jackson, for one hour and a quarter, and then Judge Johnston was to have fifteen minutes to reply. Judge Johnston spoke for about an hour and Mr. Fisher had replied about fifteen minutes when the disturbance took place. I was within a few feet of the speakers' stand, reclining on the grass, and by my side was my friend, Baldwin Marshall. While the speaking was going on we were within a few feet of the stand and heard all that passed on the stand and near by it. I said to Mr. Marshall, "Things look pretty squally here, don't you think so?" He replied, "Yes, and I am going to leave and go home." There was a seriousness on the faces of so many people that I feared a riot, but had no idea when and where it would begin. I said to him that neither of us ought to go, that there were but few white men on the ground, and that they would be at the mercy of the negroes. A few moments afterwards I saw a disturbed condition of the crowd about seventy-five yards away. Chas. Caldwell, of whom I will speak later, was very near to me, and as soon as he saw the disturbance begin, he went hurriedly to the place and placed himself between the belligerents, a few white men on the west side facing the east and an immense horde of negroes facing them

and only a few feet apart. Caldwell had no arms as far as I saw, but going between the belligerents he used his walking cane (I think struck some of them) on the negroes, and seemed to be counseling with the whites. It is fair to him to give his statement of what occurred as written by him the next day and published some days later in the *Weekly Pilot*, a radical paper published at Jackson:

"Upon hearing some very rough language I proceeded to the spot indicated. When I got there I asked what is the matter. A policeman said this man Thompson has drawn a pistol on one of the colored men who was marching in the procession, using certain opprobrious epithets. I remarked, my young friend, for God's sake don't disturb the meeting. I soon saw that the feeling was so strong and so determined that I called upon some of the other white men to assist me in preserving the peace. No one responded. I saw Neil Wharton and Thompson (white) draw their pistols, and I slipped up to Neil telling him that that would not do. I did the same with Thompson, and they put their weapons back in their pockets. In a few minutes they had them drawn again; then the shooting began. I saw Thompson shoot the first shot that was fired, pouring some four or five shots into the crowd of which he formed a part. At this time the firing had become general. The colored people soon concentrated at this point, when the white lines dispersed, and the firing ceased."

I have thus given Chas. Caldwell's version of the matter in order that I may now clearly state my own observations. I was on an elevation near the speakers' stand and could see clearly what was going on, but could not hear because of the noise and confusion and the distance. Hardly had Caldwell extricated himself from between the men when the negroes pressed on towards the white men in a belligerent and threatening manner. There was a mere handful of the white men at that point, some being around the stand and others scattered about. I am not sure, but I think the negroes pressed the white men so vigorously that there was nothing left to do but to shoot or retreat. I saw Thompson shoot as rapidly as he could fire his pistol, not being at the time more than six feet from the negroes, until he emptied it, as did also his comrades I think, and then they were at the mercy of the negroes, and he, Thompson, turned and fled to the west. The confusion became so great I could not distinguish the white men, or tell the way they went. I concluded the wisest thing I could do was to get my buggy and go as rapidly as I could to the telegraph office and wire for assistance from Bolton and Jackson. My friend Marshall at

the first fire made for his horse near by and escaped without trouble. I left the stand with not a white man with me and went northeast through the infuriated mob alone, until Dr. Miller, my brother-in-law, came to me and said, "Let me stay with you, I killed a negro a few moments ago and they are after me." I told him that it was wise for us to hold our fire until compelled in self defense to use our pistols, and then we must do the most effective work possible. We had gone but a short distance when we came up with Captain Aisquith of Raymond, who was then in the clutches of the negroes and was shot in the body. We succeeded in getting him away from the negroes and exercised all the policy we could to keep the negroes from attacking us, as we knew that with the numbers around us we would have no show for our lives. In a very few minutes we reached my horse and buggy, lifted Captain Aisquith into the buggy. I sat beside him and Dr. Miller got up behind and we rode to the nearest house, which was Mr. Chas. Chilton's, going through the mob. How we kept them off of us I am unable to say. When we arrived at Chilton's he met us at the gate and asked what was the matter. I told him a riot of the worst kind had broken out. I requested him to take Aisquith into the house and to do what he could for him. He and Dr. Miller took Aisquith into the house and found that he was not seriously shot. I turned to go to the telegraph office, and in doing so had to pass several hundred yards back through the mob. I was driving my horse very rapidly south on the public road and on both sides I could hear such expressions as "Catch him," "Kill him," "Shoot him," etc. The dirt road crossed the railroad at right angles and on a considerable rise. As I approached the crossing I saw five or six negroes who had Capt. B. S. White in their possession. Their drawn pistols indicated to me that they intended to kill him. I could not shoot for fear of shooting White; so as I approached I called out to them as loud as I could to let him alone, hoping to attract their attention. While I was approaching a negro, whom I afterwards learned was Wade Walker, knocked White down, stood over his body, struck him a terrible blow on the top of his head, and rolled him over into a gully. I was in the angry mob as soon as my horse could get me there. One negro, with his pistol drawn, leaped in front of my horse,

caught the bridle, and began to shoot at me from my horse's head; two others on my right and not twenty feet away were shooting as fast as they could at me, and two more on my left were also shooting at me. The man who had knocked White in the head started towards me at the same time the others began to shoot, and said, "What in the hell have you got to do with it?" At the same time some of the mob rushed up behind and began to beat me in the back. My policy was to kill the negro who was coming at me with the club. I had been so engaged managing the horse, and I had been so determined not to use my pistol until it became a life and death matter, that I had not drawn it. When the negro made at me with the stick I reached for my revolver, cocked, and aimed to kill him before he got to me, but the pistol hung in the scabbard and I was a moment delayed in getting it out,—so as he struck me a dreadful blow in the forehead, I shot him through a little above the heart and he died in a few minutes. The blow knocked me senseless for a moment, and when I came to I found the pistol in the bottom of the buggy. I reached for it and raised it, looked around, and took deliberate aim at the negro holding my horse, but the pistol refused to revolve, having become disarranged by the fall. He saw my deliberation, turned the horse loose and ran with great speed on the road towards Clinton. The reins had become unbuckled at my hand and were lying on the ground. The horse, having been slightly wounded, was greatly frightened and ran with all his might. The road from the crossing to Clinton is a circle about half a mile long. I was so interested in the horse, which was now running away with me, that I saw no one except my life-long friend, Col. W. A. Montgomery, who had escaped the mob, gone to town and obtained a shotgun and met me as I was about half around the curve. His horse was in a lope, and just after passing me, he shot at the negroes. My horse ran up into the town and was caught by some friends. I met there Dr. Dupree, my neighbor, who looked at my bunged-up condition and advised that I go on to Raymond, my home, where my wounds could be attended to, all of which proved to be slight. I received one shot in the hand, and my body and head were badly disfigured. I found that telegrams had been sent already to Bolton, Jackson, Edwards, and

Vicksburg, and from these points help soon came. Some of the witnesses before the Boutwell Investigating Committee say that as my horse ran around that curve while the reins were on the ground, there were forty or fifty negroes beside the road shooting at me. I was so much concerned with the runaway horse and the results, I gave no attention to those shooting at me then. Captain Montgomery testifies that he shot two loads at them immediately after passing me and that dispersed them.

In his article, from which I have heretofore quoted, Caldwell says that after Fisher began to speak some one in the audience called him a liar. I was in twenty feet of Fisher, and if such was done I did not hear it, and I do not think it was said.

Thompson's horse seems to have been west of the grounds, and when he retreated he mounted his horse and went west alone. His body was afterwards found shot, and his head and face fearfully mutilated. A dead negro was found between his body and where the fight began, and the supposition was that he reloaded his pistol and in a fight killed the negro, and that there being too many for him they succeeded in killing him. Martin Sivley went east, and after he had emptied his pistol was killed in a field about one-fourth of a mile from where the fight began. In less than ten minutes after I left him Chas. Chilton was killed in his own yard, it is said while attempting to give shelter and protection to some negro women and children. When the fight began those who were not actually engaged in fighting were thrown into a stampede, and the women, children, and men left the grounds without regard to the manner of leaving.

Some writers, in giving an account of Colonel Montgomery's assisting me, leave the impression that he got to me in the thickest of the fight, but when I was in that terrible and unequal fight which I have described, there is no man on earth I would rather have had come on the scene than Colonel Montgomery, for I have no more devoted friend, and there are none braver. But as I have heretofore explained, he did not meet me until some minutes after I was in the fight, and nearly a quarter of a mile from it. If he had known the fearful danger I was in, I do not doubt he would have come to my assistance and thrown himself into the breach and risked his life in my defense.

During the next few days there was anarchy in our county. Friends of mine from all over the county came to me at all hours of the day and night to know who the negroes were who gave me such a fight. I did not know a single one of them and could therefore give only a faint description of the one who held my horse. If these negroes could have been found and identified, not one of them would have escaped death. But the question which presented itself then and there to the people of Hinds County was whether or not the negroes, under the reconstruction laws, should rule the county. The terrible ordeal through which we passed on that eventful fourth of September fired a determination in the minds of the white people to overthrow the negro rule at any cost. Throughout the county for several days the negro leaders, some white and some black, were hunted down and killed, until the negro population which had dominated the white people for so many years were whipped. Since that time they have never ruled the county, and I prophesy they never will.

Thus the backbone was broken, but the end was not yet reached,—the coming election had to be carried. I cannot forbear to tell how this was done. Before doing so, however, I desire to make some further comments on the Clinton riot. Who fired the first shot was a mooted question; but I am now informed by a reliable man, who was by Thompson's side, that the first shot came from the negroes, and that it was caught by Thompson in the thigh or groin.

Maj. Geo. W. Harper, in an editorial some weeks before, had recommended that at every radical meeting ten reputable citizens should appear from among the Democrats, and that when a radical speaker should tell a falsehood to deceive the negroes, it should then and there be publicly disputed. The radical papers, after the 4th of September, claimed that this was done by the Democrats at Clinton, and that it was by the Democrats giving the falsehood to Fisher that the trouble was brought on. I was a member of the Raymond club and a member of the county executive committee, and I know that such was not the case. That the negroes went there to raise a row,—some of them at least,—was afterwards abundantly proved. Negroes whom I knew well told me that messages came from Clinton to even

their distant clubs, inviting them to come armed and prepared to fight. The same negroes told me that, if they had known I was going, they would have done all they could to keep me away.

H. T. Fisher, in his testimony before the Boutwell Committee, undertakes to show that there had been no waste of money in the county expenditures, and that the taxes were not exorbitant. The minutes of the board of supervisors show to the contrary. A copy of *The Pilot*, published in 1874, gives in six closely printed columns a list of lands sold for taxes, which taxes were so exorbitant that many persons could not pay them.

Of the effects of the fight at Clinton it will perhaps be well to speak. Very many leaders of the Republicans in different parts of the county were killed in the next few days. This was not done by any order of the Democratic party, but the white men were so enraged that it was impossible to control them. The men who had done most to urge the negroes on in their antagonism to the whites, where they could be caught, were killed. Many of the negroes who were known to have been in the fight were killed, and, of course, some innocent ones also suffered, but not many. When it became a race war, some of the whites who had affiliated with the Republicans, joined the Democrats. The negroes in the county were pretty thoroughly subjugated. Numbers of them joined the Democratic clubs, some doubtless through fear, though some of them said that they would have joined long before but for fear of the Republican negroes and whites.

Chas. Caldwell, of whom I have heretofore spoken, was a mulatto, far above the average negro in intelligence. He was a blacksmith by trade when a slave. He was then a candidate for the State Senate and saw his chances waning every day. He became embittered beyond measure against the whites, and sought counsel from Ames, our carpetbag Governor. It was agreed between them that Caldwell should raise a colored company of militia, thus hoping to give courage to the negroes and at the same time cause them to cling to the Republican party. Nothing done while Ames was Governor so aroused the antagonism of the white people. He armed this company, and still another negro company, and accepted them as State militia. While the immediate effects of the Clinton riot were being felt,

Ames appealed to President Grant for United States troops. Grant responded that the condition of things in Mississippi did not warrant Federal interference. But the white people were in constant dread that something would occur which would cause President Grant to send troops to our county and thereby destroy our hopes of carrying the election. Gen. J. Z. George was chairman of the State Democratic Executive Committee, and had his headquarters at Jackson. Our county committee was in constant communication with him. He advised us of the very delicate ground upon which we stood and urged us to do nothing which would give Ames a legal pretext to call for troops. Another negro company had been formed at Edwards, and Ames desired to arm them also, but for some reason was afraid to send the guns on the cars. He detailed Caldwell and his company and the other Jackson negro company to go through the country by land and take the guns to the Edwards company. The white people were greatly incensed at this, as they knew that the negroes, and especially their leader, hated them with great intensity. While on this march, messenger after messenger came to the executive committee at Raymond from companies of white men who had hastily gotten together, asking for permission to attack the negro companies on their way to Edwards. It was all we could do to keep them from doing it. It was the opinion of our men then, and it is mine now, that Ames sent these men through the country in that way, hoping that they would be attacked by the white people, so that he could then successfully call on the President for troops. The scheme did not work, for they were allowed to go to Edwards, and to arm the company there. All three companies then marched back to Jackson unmolested. This was about the 24th of September. In the meantime the Democratic clubs were at work. Every nerve and muscle was stretched in the effort to gain votes. One of the schemes to get votes will be illustrated here.

A white man met a negro in the public road and accosted him about as follows:

"Captain, what is your name?" queried the white man.

"My name is Jack Smith," replied the negro.

"Well, Jack, on whose place do you live?" the white man asked.

"Boss, I lives on Mr. Yates's place, right down there next to Five Mile creek bridge," was the reply.

"All right, sir," added the white man.

Then taking out his little memorandum book and beginning to write, he slowly spoke as follows: "You say your name is Jack Smith and you live on Mr. Yates's place, next to Five Mile creek bridge?"

The negro had his curiosity aroused and said, "Boss, what you writin' down dere?"

The white man said, "Your name and where you live."

"Well, boss, what you doin' dat for?" further asked the negro.

The white man put the book back in his pocket, merely saying "never mind."

"But boss, I shore does want to know what you do dat for," importuned the negro.

"Well, you see, Jack, I am getting up a dead list and I wanted you on it," replied the white man as he rode away.

But the more the negro cogitated, on his way home, the more uneasy he became and the more he wondered what it all meant. In his dire distress the only hope of saving his life that came to him was by joining the Democratic club. So he mounted his mule and started off to find his old master, whom we will denominate as "Mars Wes."

When he arrived at Mars Wes's home, he did not see him, but seeing his mother, said to her, "Miss Becky, whar's Mars Wes?"

"Well, I suppose he is out in the field, Jack," was the reply.

"Whar 'bouts?" asked the negro.

"Well, I can't tell you, but he will be back here in a short while. Sit down there on the step and wait, he will be in here after a while," said the lady.

"I shore must see Mars Wes, Miss Becky, and shore hopes he's gwine ter come," ejaculated the simple negro, taking his seat on the doorstep.

"Mars Wes" came after a while, and Jack spoke to him as follows:

"Mars Wes, whar's the Democratic club gwine to met at Auburn?"

"Well, I think Saturday, Jack. Why do you want to know?" replied the white man.

"Well, Mars Wes, I wants to jine the club," said the negro.

"But Jack, you are a Republican and have voted all these years with the yankees, and the Democrats don't want Republicans in their club," was the reply.

"Now, Mars Wes, please sir don't talk dat way. I shore is a Democrat now and wants to jine the club," urged the negro.

He then told "Mars Wes" what had happened in the road and urged that he "neber was a 'publican no how. Dem niggers," he continued, "made me jine deir club and dat yankee made me vote the 'publican ticket. Now, fore God, Mars Wes, I'ze a Democrat and knows dat if you just say so, dem Democrats will take dis nigger in and let him vote wid 'em."

"Well now, Jack," said the old master, "as you are one of my old niggers and we always got along pretty well, you come and go with me next Saturday evening and I will see what I can do for you."

"Now, Mars Wes, what time you gwine to start," asked the negro.

"Well now, Jack, sometime after dinner; I don't know exactly," was the reply.

"I's shore gwine to be here at dinner time so I won't git left," said the happy negro.

And sure enough Jack came and went with "Mars Wes" and became a Democrat and voted the ticket.

The policies outlined in carrying that campaign on were these:

1. A solidly organized Democratic front.
2. Individual effort with negroes, persuasive, but if necessary, intimidation.
3. And if these failed, then stuff the ballot box by putting in Democratic votes after the election and before the counting had taken place.
4. Destruction of Republican tickets when they could be gotten.
5. Substitution of Democratic for Republican tickets in the hands of the negroes before they voted by inserting "Republican" at the top of Democratic tickets and have the names of Democrats below the word "Republican."
6. As a *dernier resort*, if these plans did not carry, then the Republicans were to be counted out and the Democrats counted in.

This last plan met with a formidable difficulty, which I will explain and show how it was overcome. The registrars who were to make the count of the votes after the election consisted of one intelligent white Democrat, an ignorant negro, and a smart scalawag. It was easy enough to get over the negro because he could not count the votes if he were to try, nor could he cast up a column of figures if the opportunity offered itself. But it was going to be more difficult to get rid of the scalawag. It was known that he was a scalawag for the money there was in it, and so the money was the only thing which would get him out of the way. It was felt that five hundred dollars would persuade him to be out of the way on the day that the count was to be made, and so it was decided that he should be approached and the arrangement made for him to be absent at that time. There was a wealthy Democrat in our county who had announced publicly that the taxes which were being imposed upon him prevented there being any net profit on his property in the county, and he was therefore exceedingly anxious that the Republicans should be turned out in order that the taxes might be reduced. He was approached and asked to give the five hundred dollars, which he cheerfully did, and it was turned over to the scalawag registrar, who accepted it. On the day that the count was made after the election this scalawag was sick and failed to appear to assist in making the count.

I feel confident that all of these means were used, except stuffing the ballot box and the counting-out. These were not necessary, and I am sure were not used.

The reader of this, who did not live through that terrible ordeal, will lift up his hands in horror and say that those were corrupt practices. And I am not prepared to deny it. We

looked upon the matter thus: We had quietly borne the corruption of the Republican party until disaster and bankruptcy stared us in the face. We had lost all hope that the negro would ever cease to be dominated by the Republican party, and we were *forced* to a choice between the evils of negro rule and the evils of the questionable practices to overthrow it. We chose what we thought was the lesser evil, and it is now not to be regretted.

Before coming down to the final day of election, let me go back to the time of Caldwell's march through Hinds County. While that was being prepared the white people became fearfully wrought up against Ames. The executive committee received messages and was otherwise importuned to allow a squad of men to enter Jackson, surround the mansion at night and take Ames and hang him to a post. We protested, not because we loved Ames, but we knew if this were done troops would be sent by the President and we would fail to carry the election, and military despotism would be the result. The day that Caldwell marched through Hinds County to Edwards the circuit court adjourned, and I at once started to Pontotoc by way of Oxford to join my family, where I had a sick child. When I left Raymond it was by no means certain that Caldwell would not be attacked, nor was it certain that a well organized squad would not go to Jackson, take Ames, if to be found, and kill him. It is true that the subcommittee had done all it could to prevent it. As I passed through Jackson that evening I learned that Ames was dreadfully uneasy, and there was a possibility, I knew, that his emissaries would notify him of the coming of the mob. When the train I was on reached Coffeeville, Col. L. Q. C. Lamar entered the car, on his way to Oxford, and as he walked down the aisle he saw me, shook hands with me and sat beside me. While I was a student at the University he was a professor there, and I got to know him quite well. I immediately told him of what had happened in Hinds County; of the sending of the negro troops through the country, how the people were outraged, how we had made every effort to keep armed men from attacking the negroes, and especially how we had used our best endeavors to keep armed men from going to Jackson and making away with Ames. I remarked that I supposed if such a thing were

attempted it would be almost impossible to keep it from reaching Ames' ears, and if it did, that I thought he would flee for his life and pass that way over the Illinois Central Railroad. I had never seen Colonel Lamar so indignant, nor did I ever know him to fly into such a passion. His language about Ames was decidedly more forcible than elegant, and he added, "If they will wire me when he leaves, I will organize a posse at Oxford and take him as he passes and hang the miserable scoundrel." But better counsel prevailed, and Ames went unmolested.

The fever heat continued down to the day of the election. Hinds County expected every man to do his duty, and well did they do it. The fear of trouble at the polls put a quietus on everything and it was like a funeral day. While every Democrat was at his post and remained during the election, there was not a ripple to disturb the calmness of the day. Utica, afterwards dubbed the "Gibraltar of Democracy," sent a solid vote, save one, for the Democratic ticket. Not one vote would have been cast for the Republicans had not the Democrats got one old negro to cast a single vote for his party. This habit they kept up, out of a spirit of fun, in subsequent elections. Every Democrat in the county who was on the ticket was elected by overwhelming majorities. The men, as far as could be, who had been turned out of office by Federal bayonets six years before, were elected. The grand old hero of two wars, S. B. Thomas, was elected sheriff. That splendid citizen and soldier, W. T. Ratliff, chancery clerk; Benj. F. Edwards, circuit clerk; S. D. Currie, treasurer, and J. B. Graves, assessor. And to take the place of the ignorant, corrupt negroes on the board of supervisors, John Shelton, the gifted attorney who would have graced the bench, was named president. J. F. Tatom, J. W. Neal, Geo. H. Robertson, and J. R. Horne, each and every one of them among our very best citizens, were the other members.

In the history of republican governments, the rejoicing by the good people of the county over the results was never surpassed. The carpetbaggers read the handwriting on the wall and left the State never to return. The scalawag hung his head in shame, soured and sulked. Some are dead now and some remain, fit emblems of the degradation of man, and some became and still are good citizens.

But the end of reconstruction was not yet reached. Every two years thereafter a county election would be had, and the Republican party would hold up its head to be hit again. There was still trouble to keep the negro out of power. Sometimes the Democrats would become negligent and fail to give attention to the elections, and the few who were always on guard would have trouble in getting the masses out to vote.

One incident which occurred at the election at Raymond, some time between 1875 and 1890, is worth relating.

The election day came and the negroes came in squads and soon showed that they were in earnest in their efforts to regain their lost power. The voting place was in the west entrance to the courthouse, and the voter was expected to come from the front and vote and then pass on through the hall to the rear. It seemed that all of the negroes in the voting precinct were on the ground to vote and all the white people were going to stay away. The negroes practically had possession of the ground leading up to the voting place. A consultation was held by a few of the Democrats, and this plan to get rid of the negroes and keep others from coming was determined upon. They took into their counsels a certain negro who had been true to the Democratic faith and on whom the Democrats felt they could rely. It was determined that he should crowd in and vote and that there should follow him a white man, and both should stand at the polls together, and at the same instant another white man should appear at the polls from the rear. On meeting, the old negro was to vote, and then a dispute was to arise between the two white men as to which should vote first. They should quarrel over the matter, both snatch out their revolvers and shoot straight up into the ceiling of the courthouse. The old negro was to turn and run and cry out to all of the negroes as he ran out, that every man of them had better run or they would be killed. The old negro was to leap on his horse and cry out to the negroes to follow.

The scheme was carried out, and in less than five minutes there was not a negro on the ground. The negroes ran in every direction and spread the stampede as they went, and the negroes they met on the way declined to come to Raymond and did not vote that day.

On another occasion, when it was learned that the negroes had reorganized and were going to the polls to vote solidly against the white people, they were driven to disband and stay away from the polls in the following way:

A safe, careful man was selected in each neighborhood and told to summon to his aid about a dozen men he could control, all well mounted and armed with repeating guns and pistols. The night before the election these squads were to ride all night so as to go into every part of the county. They were to halt and shoot a great number of times about every half hour during the night. But they were not to go to any negro houses, and not have a word to say to any negro during the time. If one appeared he was to be passed in silence. The work was carried out as projected and the result was what was desired. The negroes all went to their work next morning and did not go to the polls and vote.

But the good people of Mississippi, tiring of this manner of carrying elections, called a Constitutional Convention in the year 1890. The Constitution then adopted went into effect on the 1st of November of that year. This Constitution destroyed the evil effects of the Reconstruction Acts in Mississippi, and it was so done as not to violate the Constitution of the United States.

Thus was reconstruction destroyed in the good county of Hinds, and we hope and believe it will never be resurrected.

THE ENFORCEMENT ACT OF 1871 AND THE KU KLUX KLAN IN MISSISSIPPI.

By J. S. McNEILLY.¹

"O that a man might know
The end of this day's business ere it comes,
But it sufficeth that the day will end,
And then the end is known."

That measure of national legislation commonly known as the Enforcement or Ku Klux Act, marked extreme fever heat in the reconstruction rabies. April 20, 1871, is the date of its approval by President Grant. Before recounting its operations in Mississippi, a sketch of its design, with the causes and circumstances incident, and out of which it was produced, is in order. Such a sketch of this law is indeed essential as a chapter in every reconstruction history. The congressional plan of restoring the "lately rebellious states" to the Union had been effected when this odious and evil measure was conceived. The readmission of the three lagging states of Virginia, Mississippi and Texas a year before, marked the end of the process. All of the wayward sisters were restored with state constitutions prescribing equal negro political and civil rights. Government was lodged in the hands of the "Loyal"—the negro, the carpetbagger, and the scalawag ruled over the land. For "lewd fellows of the baser sort" it was harvest time. Using a comedy figure of speech, "The bottom rail was on top." Expressed in tragedy, the "black heels were on white necks." Yet no sooner had the inverted statehood pyramids been raised than they began to totter and crumble. In the same year that the task was hailed complete, elections in Virginia, North Carolina, Alabama, and Georgia resulted in the defeat of the aliens, scalawags, and freedmen. The Democrats, or white men, were victorious in spite of the free use of Federal troops and all the influences of the national government; a use that was in North Carolina brutally tyrannical.

¹A biographical sketch of the author of this contribution will be found in the *Publication of the Mississippi Historical Society*, Vol. VI, p. 129.—
EDITOR.

Reckless of the lessons of history, taking counsel from sectional malice and partisan expediency, the radical party determined to arrest and turn back the flood that menaced their work in the South with destruction—to buttress governments raised on the ruins of constitutional liberty—by laws of greater stringency and savagery. The first note of warning was sounded in the President's message, December 5, 1870. In its first paragraph Congress was told that "a free exercise of the elective franchise has by violence and intimidation been denied to citizens in several of the States lately in rebellion, and the verdict of the people has thereby been reversed." The next step in the conspiracy aimed at the Southern States was a resolution introduced by Senator Morton, calling on the President for information in his possession of disloyal or evil-designed organizations in North Carolina which threaten resistance to law or denial of protection by law and constitutional rights; and what murders and outrages have been committed for political purposes. To this resolution, which was adopted December 16th, the President submitted a reply January 13, 1871. "For the information of the Senate," the President broadened the scope of his reply to cover "outrages in other states."

It required no close scrutiny of the documents accompanying the President's brief message to betray an evil and sinister purpose. The message reads:

"I transmit herewith abstracts of reports and other papers on file in the war department relative to outrages in North Carolina, and also, for the information of the Senate, those relative to outrages in other Southern states. The original reports are too voluminous to be copied in season to be used by the present Congress, but are easily accessible for reference."

Such was the introductory to excerpts from reports filed in the war department of disorders, outrages, and homicides to the number of near five thousand. To read the message with the partisan comments on it, one would suppose that the South was seething with slaughter and crimson with crime. The message referred to outrage "reports too voluminous to be copied." There was no suggestion of the fact that in answering an enquiry as to existing conditions, the sum total had been made up by ransacking the dust covered war department pigeon holes, clear back to 1865. While the trick was soon exposed,

the wrong of the guilty lie could not be undone. It paved the way and gave the cue for the North Carolina investigation, which was made to provide the argument for the passage of the enforcement act.

The President's message caused, as designed, a shock of horror throughout the North, for a time arresting the turn of sentiment which had been trending against the radical Southern policy. For the time being it clouded the truth of the Southern condition, which was at that time, as it had been for months previously, wholly free from serious or organized domestic lawlessness. To show this to be the fact the messages of certain radical governors, cotemporary with President Grant's message, are quoted from. Governor Holden of North Carolina addressed the legislature as follows:

"We have cause to be thankful to Almighty God for the abundant harvests of the year (1870) now closing, and for the general peace and quiet now prevailing throughout the State. Peace and good order has been restored to all parts of the State with the exception of the county of Robeson."

It is a fact of history that the peace disturbers of Robeson County were a band of negro marauders and murderers whom the governor "expected would be soon arrested and brought to trial."

In a communication to the legislature of South Carolina, Governor Scott said:

"I cannot say with truth upon any information in my possession that in any section of the State the laws are not executed, for not a single case has been reported in which the officers of the law have been resisted in the discharge of their duties. There is no insurrection which I am called on to suppress. All the cases of reported violence are individual violations of law."

Governor Clayton of Arkansas, said in his message of January 4, 1871:

"You assemble here under very propitious circumstances. Our relations with the Federal Government are harmonious and law and order, peace and security, reign throughout our borders."

Governor Warmoth of Louisiana, said in his message of January 11, 1871:

"A growing spirit of harmony and good will between the different classes of our people has been strikingly evinced during the last year. It has

been seen in a strongly pronounced disposition of all good citizens, without respect to partisan differences, to preserve order and enforce the laws. The result has been that during the last fall there was the most quiet and peaceable election the State has witnessed for many years."

In Georgia there had been an exciting election but no violence. The Democratic majority of legislative members were awarded certificates of election by Governor Bullock in January, 1871. There had been no election in Mississippi in 1870. During that entire year the State had been, consequently, free from excitement and disorder. Governor Alcorn's message to the legislature when it assembled the second week in January, 1871, was a long, loud paean in praise of the complete vindication and triumph of reconstruction. "Evil auguries anticipated your last assemblage. They are hushed now into silence." In a subsequent message he said: "The State generally enjoys a repose unknown to it since the close of the war." A month before the President's message the *Washington Republican* said:

"Governor Alcorn is thoroughly in earnest in the work of reconstructing Mississippi and in executing the laws. Opinions need not be governed by occasional acts of violence, which occur everywhere. Personal and political rights are nowhere more sacred or more securely protected than in Mississippi by law."

Why North Carolina was singled out for an investigation is explained by the circumstances of the election in that State, in August, 1870. In the whole reconstruction carnival of guilt and crime, that chapter is probably the blackest of all. The election was for a legislature and congressmen. As there was a large white Republican element in the western part of the State, and a heavy negro population in the eastern, an apparent drift toward Democratic, or white, rule was met by the most ruthless and tyrannical measures of repression. Federal troops not being forwarded as promptly as he desired, and not being available for the extremes of action he designed, Governor Holden raised two regiments of State troops; one white under a notorious ruffian of East Tennessee, Colonel Kirk, and one negro. The paramount aim of the Governor and his party was to produce the impression that the State was overrun by the Ku Klux. To that end testimony was obtained through terrifying and even torturing witnesses. In certain counties arrests were made by wholesale and in violation of law. Colonel Kirk, with the ap-

proval of Governor Holden, defied *habeas corpus* writs issued by the chief justice of the State. The condition of terror and tyranny prevailing just before the election was thus described in the *Wilmington Journal*:

"To-day throughout this broad State no man is safe in his property, his liberty, or his life. The civil law is a dead letter. The authority of the chief justice is derided, offensively scorned by an unauthorized military official."

Some of the prisoners arrested secured release by turning State's evidence against the Klan. The chief scene of Colonel Kirk's operations was in Alamance and Caswell Counties. James Boyd, a citizen of the former, not only confessed he had been a Ku Klux, but that Andrew Johnson was, while President, the head center of the band. This preposterous statement was repeated by Holden in his testimony before the investigating committee of Congress. The confessions and revelations of the Ku Klux were converted into a defense of Holden's oppressive acts, and of his call for troops at the election. Every murder was multiplied into many and charged up to the Klan. The *piece de resistance* in a bloody shirt banquet served up for the Northern palate was a letter from the noted author, Judge Albion Tourgee, to Senator Abbott—both North Carolina carpet-baggers. After it had served its purpose in the bloody indictment against North Carolina, the judge complained that his figures had been changed. In a letter to the editor of the *New York Tribune* he said:

"I wrote four arsons instead of fourteen. Instead of 4,000 or 5,000 houses opened, I wrote 400 or 500. I said thirteen murders in the State, not in the district."

He further said that of the murders he had reported, "State Senator Stephens and two colored men were alive and all right." There was abundance of proof after the election that Governor Holden's operations against the K. K. K. was wholly a campaign device to provoke resistance. Confessions were made that some of the arsons and acts of violence were perpetrated by his supporters with that view. Senator Abbott's dependence for re-election on the legislature chosen supplied the motive for his wicked multiplication of Tourgee's men in buckram.

In noting Tourgee's belated correction of Senator Abbott's forgery, the *Tribune* said, after the election was over:

"It is shown that the Ku Klux are few in number and have created terrorism only because of the timidity of those opposing them. Exposure has made the organization ridiculous and substantially its strength is gone."

The *Tribune* had been an extremist in denouncing the North Carolina "Ku Klux outrages." Its open confession permits the belief that it had been honestly deluded as to the Holden-Tourgee version of affairs in that State. Its acknowledgment of delusion was published prior to the Morton resolution of investigation, which was the seed from which sprang the enforcement act. After the election Kirk's Ku Klux prisoners were all brought before Judge Brooks of the United States district court, whose authority Holden and his ruffian henchmen dared not defy, and upon investigation of the charges against them all were released. These exposures and contradictions of Governor Holden's Ku Klux theory all came out before Congress met. It was in spite of them, and of the testimony that the South was free from violence and disorder that the radical leaders decided upon applying the North Carolina tactics more thoroughly and on a broader scale. It was determined to work off on the Northern voters the original Tourgee picture, in spite of its disproof. The purpose was, from a partisan standpoint, a vital one. There was not alone fear of losing the South, but the defection of Northern Republicans of prominence and influence caused great apprehensions of the result of the national election in 1872. The North Carolina Democratic victory proved too signal to be figured away. This was the direct motive for the Morton resolution, to create ground for seating the defeated radical candidates for Congress and the legislature, and to arrest Holden's impeachment. The purpose was broadened as revealed in the President's message of January 13, 1871, which forecast the enforcement act.

The guilt or fatuity of the pretense of the North Carolina investigation is even more conclusively established, through the reports of the officers of the United States troops in the State during the Holden-Kirk outrage campaign. Colonel Hunt, the

commander of the district, said in an official communication from Fort Adams, January 2, 1871:

"Evidences of the existence of such organizations was produced. Nearly all the cases inquired into proved, however, that other than political purposes were effected through these organizations whose machinery was used to punish thefts, burglaries, insults to women, and other offenses in no way connected with politics. In fine their principal work seemed to be to do the work of regulators, or vigilance committees. Bad enough in themselves, these crimes were in the bitterness of party feeling exaggerated and misrepresented. To what extent murders and outrages were for political purpose I am not in a position to state. For when the legislature passed laws to punish members of secret organizations they were to a great extent if not wholly dissolved and this before I assumed command of the district."

Lieut.-Col. R. O. Frank reported to Raleigh, July 3, 1870:

"The marshal at once applied for a military force, as he had done in the previous case, without making any effort on his own part to make the arrests. I explained to him that an effort to execute the laws by the civil authority should be made, as otherwise the necessity for military force was not apparent. Under these circumstances I thought the presence of troops would prevent the necessity for their use, and therefore telegraphed, although it did not appear to me imperatively necessary, nor that the civil authorities had exhausted all other measures."

Again he writes, July 22, 1870:

"The Governor, however, believes that in the progress of events an effort will be made to get possession of the prisoners now in custody, or who may hereafter be arrested, and in that event he thinks an attempt would first be made to get possession of the State armory. Though not fully concurring in these apprehensions, I would suggest, if it be intended to use the United States troops in aid of the State authorities in such a contingency, that a detachment from the company at Fort Johnson be sent to this post to serve the two light twelve pounders which I have."

Major J. Stewart writes from headquarters, Fort Macon, North Carolina, December 28, 1870:

"Since I have been in command of this post this portion of the State has been very quiet and undisturbed, nor can I learn that there are any organizations of the kind referred to in this vicinity."

Capt. Evan Thomas, at "Headquarters, Post of Lumberton, N. C., December 30, 1870," says:

"The cause of the trouble in this county is in no way political. A band of outlaws, six in number, have been for the period of four years hiding in the numerous swamps that traverse this county in every direction and robbing and murdering the citizens. They have committed, since the spring of 1868, four murders in this county, and about as many more in the adjacent counties. * * * They are mulattoes and have

almost as many friends as enemies. They have friends partly from fear of them and friends who are suspected of helping them in their acts."

Capt. Frank G. Smith, under date "Headquarters, Post of Raleigh, N. C., December 30, 1870," reports:

"I have the honor respectfully to state that except through the newspaper press, common rumor and published official documents emanating from the civil authorities, nothing pertinent to the subject of inquiry has come to my knowledge."

Capt. John Mendenhall from "Headquarters Post, Fort Johnson, N. C., December 31, 1870," writes:

"I have the honor to report that there is no organized body of disloyal or evil-disposed men in this immediate section of the State. In this county (Brunswick) and New Hanover (in which is the city of Wilmington) the people so far as I know or can learn are good, peaceable, law abiding citizens."

Major George B. Rodney, writing from Yanceyville, July 30, 1870, says:

"Colonel Kirk, who is in command of the militia, appears to fear an attack, and has made great preparations for defense by barricading the courthouse, doubling his guards and posting a strong force of pickets; and his whole cause for alarm is some foolish reports given out by negroes. * * * Wednesday when a man named Williamson tried to serve some writs on Kirk, the long roll was sounded and all citizens ordered to leave the public square on penalty of being fired into. I think there were exactly four men present. I do not hesitate to assure you that there is no fear of any disturbance between the citizens and military unless Kirk provokes them to it, and it seems to me he has been endeavoring to do so ever since he has been here."

Again, August 14:

"I have fears of an outbreak. Colonel Kirk is either endeavoring to create a disturbance between the people or my men and his own troops in order to justify his recent conduct. His men roam around the country and pillage and insult the people with impunity, and some threaten to attack my men."

Capt. Frank G. Smith, under date of August 8, 1870, writing from Ruffin, says:

"I have the honor to report for the information of the post commander that since my arrival here on the 29th ult., when I found an exciting political contest going on among the citizens of the vicinity, which was prosecuted with vigor by both parties until election day, the 4th inst., not a single case of riot or disturbance has been brought to my notice up to this time. I am informed by all the persons with whom I have conversed on the subject that no political campaign here has ever been

conducted with more order than that so recently concluded. The disposition to assist and submit to the civil authorities seems general."

This is the testimony of officers of the army who went to North Carolina to uphold Governor Holden and the administration. They were scattered all over the State, and if they had any partiality at all it was on the side of the Federal authority. Yet they all concur in representing that peace and order were almost universal, and that the only interruption was that of negro outlaws. It is not necessary to add comment to such conclusive proof of the wickedness of those striving to excite agitation. It was in spite of this mass of contradictory evidence that the President's message with its fictitious murder exhibits was submitted to the Senate. A committee for a Southern investigation to begin on North Carolina was ordered, after earnest opposition from the Democratic minority. Commenting on the investigation proposed, the *New Orleans Times* thus stated its design:

"The appointment of this committee is said to have been prompted in a caucus of radical leaders assembled to deliberate upon the prospects of the party. It was there admitted that the control of four or five Southern States was necessary to success at the next election and usurpation was boldly advocated."

This forecast was sustained by every cotemporary circumstance, and substantiated by events. During the debate and the taking of testimony Washington literally swarmed with Southern carpetbaggers and scalawags from Georgia, Alabama, North Carolina, and other Southern States, with livid stories of outrage, to induce Congress to give them new leases on their offices, which were passing from them. Scores of witnesses to back up the scheme were summoned before the Morton committee, sitting at Washington. March 10, 1871, two committee reports were submitted. The majority declared that "the Ku Klux organization does exist and is composed of members of the Democratic or conservative party, with a political purpose which is sought to be carried out by murders, whipping, intimidation, and violence against opponents." There was no mistaking the logic of this report. It pointed direct to further and more repressive legislation.

The minority report by Senators Blair of Missouri and Bayard of Delaware, joined issue with that of the majority with extreme

severity. In conclusion it was declared that "Grossly and wilfully as the number of outrages were exaggerated, no act of lawlessness had been proven except in six, perhaps eight, of the eighty-seven North Carolina counties." And that "the evidence overwhelmingly established the untruth of the charges of anarchy in the State." In the following the real motive of the proceeding was exposed:

"If aggressive laws are to be enacted let all disguise be cast off and the truth avowed. It will not be less violent or wrong, but it will be less hypocritical and more manly. To every fair minded man we commit the proof contained in the testimony now presented by the committee, and that, in the face of such wrongs as have been inflicted upon the unfortunate and crushed people by the rulers placed over them, not by their own consent, but by the exercise of despotic power by Congress, no example of equal submissiveness and patient endurance can be found in history as is now presented by the people of the State of North Carolina. This is the truth in a nutshell. Holden and his official supporters have failed to maintain themselves by any means, fair or foul. They appealed to a popular election and they were rejected with something near unanimity by every taxpayer in the State. And now Congress is asked to step in and force North Carolina down again under the feet of her late radical masters."

The next move in the radical campaign was thus forecast by the *Cincinnati Commercial*, at this time the leading paper of the middle West and Republican in politics, in a comment upon the committee reports:

"A deliverance is now expected from the President on the necessity of additional legislation for protection of the loyal people in the Southern States. The carpetbagger looks to Congress continually. Latterly the carpetbaggers are becoming important. In many cases they are indispensable. The President's possibility of renomination rests with the carpetbaggers. If they should be against him his last chance would vanish. The intense solicitude of the President for the safety of the loyal men in the South means anxiety to secure the carpetbag vote."

The "deliverance" was forthcoming March 23, 1871, when the President transmitted a message to Congress reading as follows:

"A condition of affairs now exists in some of the States of the Union rendering life and property insecure and the carrying of the mails and the collection of revenues dangerous. The proof that such a condition exists is now before the Senate. That the power to correct these evils is beyond the control of the State authorities I do not doubt; that the power of the executive acting within the limits of existing law is sufficient for present emergencies is not clear. Therefore I urgently recommend such legislation as in the judgment of Congress shall effectively secure life, liberty and property and the enforcement of the laws in all parts of the United States."

The day before this menacing message was issued, the career of North Carolina's miscreant Governor, W. W. Holden, was terminated by his impeachment. He was removed from office before the enforcement act, to which the crimes of his government of North Carolina led up, was passed. One of the counts on which he was adjudged guilty was the refusal to obey a writ of *habeas corpus*, issued by the Chief Justice of North Carolina, for the release from jail of a number of the men held on Ku Klux charges. He was voted guilty on other counts, one being for "unlawfully recruiting a large body of troops from this State and the State of Tennessee, and placing them in command of Kirk and other desperadoes from the State of Tennessee."

The President's message of March 23d was immediately succeeded by the appointment of a joint committee to "inquire into the condition of the late insurrectionary States, so far as regards the execution of the laws and the safety of the lives and property of the citizens of the United States, with leave to report at any time during the next or any subsequent session of Congress, with such recommendations as they may deem expedient," etc.

The act in compliance with the President's request as stated in his message, was introduced, debated and finally passed April 20, 1871. It is known as the Ku Klux, or Enforcement Act, and reads as follows:

"An Act to enforce provisions of the 14th amendment to the Constitution and for other purposes.

"Be it enacted * * * That any person who under color of any law, statute or ordinance, regulation, custom or usage of any State shall subject or cause to be subjected any person within the jurisdiction of the United States to the deprivation of any rights, privileges or immunities secured by the Constitution of the United States * * * be liable to the party injured in action, lawsuit, etc., in equity or other proper proceeding for redress, such proceedings to be prosecuted in the several District or Circuit Courts of the United States, with and subject to the same rights of appeal, review upon error and other remedies provided in like cases in such courts under provisions of the Act of April, 1866, entitled 'An Act to protect all persons in civil rights,' etc.

"SECTION 2. That if two or more persons within any State or Territory of the United States shall conspire together to overthrow, or to put down or destroy by force the government of the United States, or to bring war against the United States, or oppose by force the government of the United States, or by force, intimidation or threats to prevent, limit or delay the execution of any law of the United States, or by force to take, secure or possess any property of the United States contrary to the authority thereof; or by force, intimidation or threat to induce any

officer of the United States to leave any State, district or place where his duties as an officer might lawfully be performed, or to injure him in his person or property, on account of his lawful discharge of the duties of his office; or to injure his property so as to molest, hinder, interfere with or impede him in the discharge of his official duty; or by force, intimidation or threat to deter any party or witness in any cause of the United States from attending such court, or from testifying in any matter pending in said court fully and truthfully; or to injure any such person or witness in his person or property on account of his having so attended or testified; or by force, intimidation or threat to induce to influence the verdict, presentment or indictment of any juror or grand juror or grand jury of any court of the United States; or to injure such juror in his person or property on account of any verdict, indictment or presentment lawfully assented to by him on account of his being or having been such juror; or shall conspire together or go in disguise upon the public highways or premises of another for the purpose either directly or indirectly of depriving any person or any class of persons of equal protection of laws, or equal privileges or immunities under the laws, or for the purpose of preventing or hindering the constituted authorities of any State from giving or securing to all persons in such State equal protection in the laws, for the purpose of in any manner impeding, hindering, obstructing or defeating the due course of justice in any State or Territory, with the intent to deny any citizen of the United States due and equal protection of the laws; or to injure any person in his person or his property for lawfully enforcing the right of any person or class of persons to the equal protection of law; or by force, intimidation or threat to prevent any citizen of the United States lawfully entitled to vote from giving his support or advocacy in any lawful manner toward or in favor of the election of any qualified person as an elector for President or Vice-President of the United States or as a member of Congress of the United States; or to injure any such citizen in his person or his property on account of such support or advocacy, each or any person so offending shall be deemed guilty of high crime, and upon conviction thereof in any District or Circuit Court of the United States, or District or Supreme Court of any Territory of the United States having similar jurisdiction of similar offenses, shall be punished by a fine of not less than five hundred nor more than five thousand dollars, or by imprisonment with or without hard labor, as the court may determine, for a period of not less than six months nor more than six years, or by both such fine and imprisonment, as the court may determine; and if any one or more persons engaged in such conspiracy shall do or cause to be done any act in furtherance of the object of such conspiracy whereby any person shall be injured in his person or property, or deprived of having and exercising any right or privilege of a citizen in the United States, the person so injured or deprived of such rights and privileges may have and maintain an action for recovery of damages occasioned by such injury or deprivation against any one or more of the persons engaged in such conspiracy; such action to be prosecuted in the District or Circuit Court of the United States with and subject to the same rights of appeal, review upon error and other remedies provided in like causes under the provisions of the Act of April 9, 1866, etc.

"SECTION 3. That in all cases where insurrection, domestic violence, unlawful combinations or conspiracies in any State shall so obstruct or hinder the execution of the laws thereof so as to deprive any portion or class of the people in such State of any rights, privileges or immunities or protection named in the Constitution and secured by this Act, and the constituted authorities of such State shall either be unable to protect, or shall from any cause fail in or refuse protection to the people in

such rights, such facts shall be deemed a denial by such States of the equal protection of the laws to which they are entitled under the Constitution of the United States and in all such cases or wherever such insurrection, violence, unlawful combination or conspiracy shall oppose or obstruct the laws of the United States or the due execution thereof, or impede or obstruct the due course of justice under the same, it shall be lawful for the President, and it shall be his duty, to take such measures by the employment of the military and naval powers of the United States, or of either, by such means as he may deem necessary for the suppression of such insurrection, domestic violence or combinations; and any persons who shall be arrested under the provisions of this and preceding sections shall be delivered to the marshal of the proper district, to be dealt with according to law.

"SECTION 4. That wherever in any State or part of State the unlawful combinations named in the preceding sections of this Act, shall be organized and armed and so numerous and powerful as to be able by violence to either overthrow or set at defiance the constituted authority of such State or the United States, within such State, or where the constituted authorities are in complicity with or shall connive at the unlawful purposes of such powerful and armed combination, and wherever by reason of either or all the causes aforesaid the conviction of such offenders and the preservation of the public safety shall become in such districts unpracticable, in every such case such combination shall be deemed rebellion against the government of the United States, and during the continuance of such rebellion and within the limits of the district under the sway thereof, it shall be lawful for the President of the United States, when in his judgment the public safety shall require it, to suspend the privileges of the writ of *habeas corpus* to the end that such rebellion may be overthrown; provided that all the provisions of the second section of 'An Act relating to *habeas corpus*, etc.' approved March 3, 1863, * * * be in force so far as the same are applicable to the provisions of the section. * * * Provided that the provisions of this section shall not be in force after the end of the next regular session of Congress.

"SECTION 5. That no person shall be a grand or petit juror in any court of the United States upon inquiry bearing upon the trial of any suit, proceeding or prosecution based on, upon or arising under the provisions of this Act, who shall, in the judgment of the court, be in complicity with any such combination or conspiracy. Every such person shall, before entering upon any such inquiry bearing on the trial, take and subscribe an oath in the open court that he has never secretly or indirectly counseled, advised or voluntarily aided any such combination or conspiracy; and each and every person who has taken this oath and shall thereon swear falsely shall be guilty of perjury and shall be subject to the pains and penalties declared against that crime in the first section of an Act entitled An Act * * * etc., approved June 17, 1862.

"SECTION 6. That any person or persons having knowledge that any wrongs conspired to be done and mentioned in the second section of this Act are about to be committed, and having power to prevent or aid in preventing the same, shall neglect or refuse so to do, and such wrongful act shall be committed, such person or persons shall be liable to the person injured, or his legal representatives, for all damage caused by the wrongful act which such first named person or persons by reasonable diligence could have prevented, and such damages may be recovered in any action in the case in any proper court of the United States; and any number of persons guilty of such wrongful neglect or refusal may be joined as defendants in said action. Provided that such action shall be commenced within one year after such cause of action shall have occurred. And if the death of any person shall be caused by any such wrongful

act and neglect the representatives of such deceased person shall have such action thereto as may recover not exceeding \$5,000 damages therein for the benefit of the widow of such deceased person, if any there be; or if there be no widow, for the benefit of the next kin to such deceased person.

"SECTION 7. Nothing herein contained shall be construed to supersede or repeal any former act or law, except so far as the same may be repugnant thereto, and any offenses heretofore committed against the tenor of any former act shall be prosecuted, and any proceeding already commenced for prosecution shall be continued and completed the same as if this act had not been passed, except so far as the provisions of this act may go to sustain and validate such proceedings."

The true design of this law, which was obnoxious to all principle and precept of American representative government, was thus exposed in an address, dated the day of its passage, from the Democratic members of Congress to the people of the United States:

"Our presence and official duties at Washington have enabled us to become fully acquainted with the actions and desires of those who control the radical party, and we feel called on to utter a few words of warning against the alarming strides they have made toward the centralization of power in the hands of Congress and the executive. No regard for the wise restraints imposed by the Constitution has checked their reckless and desperate career. The President of the United States has been formally announced as a candidate for re-election. The partisan legislation to which we refer was designed and shaped in secret caucus, where the extremist counsels dominated and was adopted to place in the hands of the President the power to command his own renomination, and to employ the army and navy and militia at his sole discretion as a means of subserving his personal ambition. * * * Under the pretense of passing laws to enforce the 14th amendment and for other purposes, Congress has conferred the most despotic powers upon the executive and provided the official machinery by which the liberties of the people are menaced and the sacred right of self-government in the States ignored if not tyrannically overthrown. They are at variance with all the sanctified theories of our institutions.

"Under the Enforcement Act the executive may at his discretion thrust aside the government of any State, suspend the writ of *habeas corpus*, arrest its Governor, disperse the legislature, silence its judges, and trample down its people under the heel of the troops. Nothing is left to the citizens or State which can be called a right. All is changed into mere subservance. * * * Everything that malicious iniquity could suggest has been done to irritate the people of the Southern States. The gross and exaggerated charges of disorder and violence owe their origin to the mischievous minds of the political managers in the Senate and House of Representatives, to which the executive has, we regret to say, lent his aid and thus helped to inflame popular feeling. In all the causes of hostile legislation and harsh resentment no word of conciliation, of kind encouragement or fraternal fellowship has ever been spoken by the President or by Congress to the people of the Southern States. They have been addressed only in language of proscription."

Opposition to this "force bill" was not limited to Democrats. None spoke more strongly against it in the Senate than Senators

Schurz and Trumbull. In the House, General James A. Garfield, subsequently President, joined in denouncing it. It was combated most urgently by the liberal press. At a public entertainment in New Orleans, the commander of the army, Gen. W. T. Sherman, said of the avowed pretext of the act:

"I probably have as good means of information as most persons, in regard to what is called the Ku Klux. I am perfectly satisfied the thing is greatly overestimated. If Ku Klux bills were kept out of Congress and the army kept at their legitimate duties, there are enough good men in the South to put down all Ku Klux or other marauders."

Having secured the law and possessing the machinery under it, the radical leaders were little concerned about mere declamatory hostility.

No feature of reconstruction has been so misunderstood and misstated as the Ku Klux facts—the motives and causes producing the order, its purposes and deeds. As it was conceived in mystery and moved in darkness, exaggeration and error is natural on the part of those who write its history. It requires both actual acquaintance with the period and close sifting to free the grains of truth from the chaff. Reflected through Republican and carpetbag glasses, there was a Ku Klux in every bush, every deed of violence was set down to the Klan. As to the origin of the order, its blood curdling rituals, its awe-inspiring titles and gruesome insignia and signs, there is substantial agreement of narration. The facts are comprised in a recent letter published in the *Montgomery Advertiser*, from Prof. Walter L. Fleming of the University of West Virginia, and author of a valuable *History of Reconstruction in Alabama*. It is in part as follows:

"Mr. Thomas Dixon says that the Klan proper began at Pulaski, Tenn., as a social club of young men, and spread thence over parts of the South. This is borne out by the testimony of the founders of the order, one of whom Captain John C. Lester (who lived a few years ago at Sheffield, Alabama), wrote in collaboration with Rev. D. L. Wilson, of Pulaski, Tennessee, a history of Ku Klux Klan. Mr. Dixon gets his main facts as to the beginnings from this history. Other members have placed themselves on record. I quote from a letter written by one of the founders, Major James R. Crowe, now of Sheffield, Alabama: 'The origin of the order had no political significance. It was at first purely social and for our amusement. It only required a quaint garb and a few mysterious sounds to convince the uninitiated (the negroes) that we were spirits from another world. We were quick to catch on to this idea,' and hence came the change to a body of regulators. The Lester and Wilson

history says the same and describes the spread of the order into other States.

"As to the origin of the name, one of the founders stated: 'A committee composed of Richard R. Reed, Calvin Jones (his brother, Charles P. Jones lived in Birmingham, Alabama, a few years ago, and his daughter, Miss Cora R. Jones, wrote a sketch of the Klan in *The Advance Magazine* last year), was appointed to select a name for the organization. The Greek for circle was chosen. We called it Ku-klos, which was changed to Ku Klux afterward. John Kennedy suggested that we add another K, and the order was then called Ku Klux Klan.' Lester and Wilson give a similar account of the origin of the name.

"Mr. Sheehan, in stating that there were numerous local orders, some of which later were merged into larger ones, is certainly correct, and just here he touches upon Mr. Dixon's weak point historically. Mr. Dixon is inclined to notice only one great order, Ku Klux Klan, and ascribe all results to that order. There were several larger ones, such as Pale Faces, Knights of the White Camelia," etc.

The oath of the order, as printed in the majority report of the congressional committee, reads as follows:

"I, _____, of my own free will and accord, and in the presence of Almighty God, do solemnly swear (or affirm) that I will not reveal to any one not a member of the * * * by any intimation, sign, symbol, word or act, or in any other manner whatever, any of the secrets, signs, grips, passwords, mysteries, or purposes of the _____ * * * or that I am a member of the same, or that I know of any one who is a member, and that I will abide by the precepts and edicts of the * * * so help me God."

Conceived in jest, the K. K. K. was soon turned to sterner purposes. In his testimony General Forrest said:

"If Ku Klux ever existed in Tennessee it was on account of Brownlow's 1867 proclamation, saying to the militia that they would not be molested for outrages and punishment of rebels and because of apprehension of injury to persons and property."

Contemporary with the time of the birth of the Ku Klux in Tennessee, as above stated, in 1865 and 1866, in the months immediately after the war, there were local "night ridings," sometimes in disguise, in a number of Mississippi counties to detect and punish violators of law, such as stealing cotton and mules. They were limited to particular occasions and as civil authority became established they ceased. There was a slight recrudescence, only, in the political agitation and race excitement after the reconstruction acts were passed. This was for protection, and it, too, was local in organization. There were some installations in this period, 1867 and 1868, of the Ku Klux Klan, in a few of the Northern counties. But this was attended by no activity and it died out and disappeared entirely after the defeat of the constitution in 1868.

Irrefutable and conclusive proof has been cited in claiming that the law of 1871 originated in a conspiracy of radical leaders to serve the purpose of perpetuating Republican negro rule in the Southern States, which was threatened with overthrow. It will be more particularly shown that at the time it was designed and proposed, the State of Mississippi was not only free from organized resistance to the laws, or combinations for that purpose, but from any excessive prevalence of disorders or violence. The then Governor of the State, James L. Alcorn, is quoted in proof of this on a preceding page. But toward the close of the year 1870 there were symptoms of disorder and violence in several Northeastern counties, which were thus referred to in his message to the Legislature, January 8, 1871:

"In apprehension of organized resistance of the law in eastern counties of the State, I took steps for the organization of the militia in these counties."

What he had done was to send Major-General E. Stafford, a 'pot-valiant' carpetbagger and editor of the official journal, and "Colonel" Ireland, commonly styled "Big Yaller," to organize companies of whites and blacks respectively. After performing that duty, on paper, to the extent of adding fuel to the fire of race animosities, the doughty pair had rendered an expense account. This was of doubtful validity, as related in the message, "the auditor of public accounts labors under some difficulty as to the obligation resting on him under my certificate of account presented by the paymaster. He appears to think that while I am authorized by law to call out the militia, I can do so, but require his consent to pay the bills." It was upon this issue that the Legislature was appealed to. The response was an appropriation of \$3,000 for "expenses" for the militia organizers.

In Mississippi nothing whatever had occurred to warrant "apprehension of organized resistance to the law." Disorders which were augmented by the Governor's menacing message might safely have been left to correction of local authority and local sentiment. This was so apparent that the genuineness of his professed apprehension was questioned. There was the obvious motive behind his zeal against a mythical "organized resistance of law," of making himself secure in his strange and repellent affiliations against his own people. By treating them

like outlaws and providing against the dreaded white political uprising, he sought to disarm the distrust of the carpetbaggers. Apprehension of resistance was chronic with Governor Alcorn. In his inaugural he had asked for extraordinary powers as commander-in-chief of the militia. He wanted "a militia establishment in the interests of a strong government."

The effect of proclamations and declamations against the Southern white people by the radical chiefs at Washington and Jackson, the introduction of force bills to hold them in subjection to alien and negro officials, could have but one effect upon the negro masses. Day by day they became more hostile and vindictive toward the white people. Such evil influences and teachings—torches touched to an inflamed condition—were sure to cause friction and violence. The seeds thus sown sprouted in arson and bloodshed at Meridian, March 4th and 6th. The riot caused great excitement. Circuit Judge Leachman convened court and had an exhaustive investigation, Governor Alcorn employing special counsel to represent the State. The result was the placing under bond to appear before the grand jury of half a dozen white men. But this did not meet the exigencies of the situation as viewed by the radicals. In the twinkling of an eye the worthlessness of Alcorn's militia preparations, the weakness of the whole mongrel governmental fabric had been exposed. To prepare for a call for Federal troops a resolution for a legislative investigation was adopted. The testimony taken fills fifty pages in the journal appendix, but, significant of the facts disclosed, no report or recommendation accompanies it. There was, however, an appeal to Washington for troops—"a good, large detachment" proclaimed the official organ, March 15th, "to restrain and regulate the turbulent and disorderly bodies who are now perpetrating the most damnable abominations and outrages that have been recorded for years." Radical leaders in the Legislature communicated the situation to Washington, and asked the State delegation to have the President send troops, which the Governor would not ask for. Learning of this, the Governor addressed the delegation, protesting against "dispatches that have been forwarded to Washington derogating from the power of this government to enforce the law, and I desire to correct that misrepresentation." In this connection he adds:

"A riot occurred in Meridian, which was promptly suppressed. Some minor outrages have been committed in other points on the Alabama border, in the night, by people in disguise. My only difficulty is to discover the wrong doers; but that overcome, as I confidently hope it will be, this government is powerful enough to make them tremble for their crimes."

This communication was made the text for a speech in the Senate by Ames, who defended the call for troops. He assailed Alcorn, charging that "while every cent of the appropriation by the Legislature to aid in the arrest of Ku Klux assassins had been drawn out of the treasury by the Governor, he had not heard of a single arrest." This impeachment of the Governor's loyalty to party was echoed by Northern Republican papers—the *New York Tribune* saying it had been "led to conclude that Governor Alcorn had little wish or design to suppress the Ku Klux in Mississippi, but is largely responsible for the demoralization of the party which elected him as an exponent of Republican principles." The *Washington Chronicle*, the President's organ, probably got nearer the Governor's susceptibilities. Endorsing Ames' attack, it threw out a threat that Alcorn might not be allowed the seat in the Senate, to which he had been elected. This would have suited Ames, who not only felt overshadowed by Alcorn, but there was intense dislike felt by each for the other. A letter Ames wrote a negro member, which added fuel to the fire of Alcorn's fury, was published. Bearing date March 27, 1871, it read:

"I send you a copy of my speech. You see I take issue with the Governor. I talk as I did when I held his place. It seems to me that were I in his place now I would give protection, as I did then, and not have my friends killed by tens of hundreds, as they are now being killed. I think he is guilty of a great sin. I can have no sympathy with a man who gains power or favor as he does with the Democracy at the price of blood and that the blood of his friends.

A. AMES."

The Governor replied to these attacks savagely, in an interview in a New York paper. But in just a week from his dispatch saying that "the State government was powerful enough to make wrong doers tremble," it was announced that he had asked for troops, and that they were on the way to the State; to be followed by a regiment of cavalry, if it could be spared from the Southwest.

The attempt to turn this Meridian riot to partisan uses, to trace it to a Ku Klux source, calls for a history of its origin and

outline. It happened in the very nick of time for radicalism, when there was both utmost need and least material for making out a case against "the late insurrectionary States." It was shown in the investigation that the disorders incident to the Alabama election had driven some negroes across the line into the eastern counties of Mississippi. Farm labor being much in demand, certain Sumter County farmers sent a negro named Adam Kennard to Meridian to persuade or trap their absconded tenants to return. Having made one trip with some success, Kennard had returned. He was taken from his bed at night in Meridian, carried out of town and severely whipped by masked men. The next day he made an affidavit under the State Ku Klux law of 1870, against a white negro school teacher named Price, and his assistant, a negro named Warren Tyler. Both of them had lived in Sumter County, Alabama, which they left for the same reason—the carpetbag defeat—that the negroes Kennard was after, had. It was a curious circumstance and an ironic one that the first arrests under the Mississippi Ku Klux law of 1870, and the first claim of Alcorn's proclamation reward of \$5,000, grew out of the Ku Kluxing of a Democratic negro by a band of disguised negroes, led by a white and a negro radical.

The arrest of Price and Tyler created a sensation and much excitement and loud talk by their negro followers. The examining trial was set for Saturday, February 11th. Before the day arrived Price was defiant and threatening. He was reported as saying that if convicted and committed he and his crowd "would begin shooting."

The *Meridian Gazette* said:

"It is asserted and the statement comes pretty straight, that Price, the Grand Cyclops of the negro Ku Klux, says he will not go to jail nor give another bond. Governor Alcorn's attention was called to the situation by the *Gazette*, and he was advised to take charge of the examination. But he did not, and matters went from bad to worse unchecked."

Price's violent talk getting abroad, on the day of the trial some forty or fifty white men came from over the border to see that Kennard had a fair showing. The examination was postponed "on account of absent witnesses," it was alleged.

The *Gazette* said in a succeeding issue:

"There was an unusual amount of disorder in the city on Saturday, and a very unnecessary display of firearms. It was feared at one time

that there would be a serious disturbance between the whites and blacks. The negroes were reported to have arms stored in a certain house in town, and were certainly greatly excited. The most of the excitement no doubt grew out of the Price case, about which the negroes seem greatly concerned."

The *Meridian Mercury* thus commented on the incident:

"We heard some of our citizens talking considerably about Alabamians coming here Sunday evening with Adam Kennard, and carrying shot guns and other arms. They had a right to come, and would have been fools to come without arms. Will anybody dare say that there was any protection here for Adam Kennard by the civil authorities or by citizens, that he could dare to trust himself to without known and tried friends with arms in their hands?"

To add to the bad blood the Alabama party "arrested" several of their fugitive laborers and carried them back with them. In consequence of the menacing condition prevailing, the county Republican officials prevailed on Price to forfeit his bond and leave Meridian.

Up to this stage of the matter the white citizens of Meridian had not been involved in the issue. But the departure of Price, instead of ending the trouble, intensified it. It was resented by the mayor, a white carpetbagger, an appointee of Ames, named Sturgis. He had proved a thorn in the flesh of the white citizens already, and now used the Price expulsion to inflame the negroes. His chief abettors were Bill Clopton, the captain of a negro militia company, and the negro who had been Price's assistant teacher, Warren Tyler. On Saturday, March 4th, a meeting of negroes was addressed at the courthouse by these three men and a negro preacher and member of the Legislature, Aaron Moore. Their speeches were threatening and violent. Long tolerance made the leaders very bold. Pistols were displayed and the Rev. Moore warned Meridian to beware of the fate of Sodom and Gomorrah. The meeting adjourned and shortly afterwards the fire alarm rang out. The citizens running to the fire found the streets thronged with turbulent negroes. Captain Clopton's company was drawn up under arms. He ordered the negroes to let the town burn, and none of them could be induced to fight the fire. With beat of drum and imprecating vengeance on the white men, the negro militia company was marched through the principal streets. While they fired on several men no one was hurt and their leader, with other turbu-

lent negroes, was arrested after a body of white citizens assembled and placed themselves under charge of the carpetbag sheriff, who had been afraid to proceed against the negro rioters. The city then became quiet. The fire had inflicted losses estimated at \$150,000.

Believing that the fire had been kindled designedly and that the design contemplated slaughter, the feeling of the white citizens was almost uncontrollable. On Monday morning there was a large meeting at the courthouse and resolutions adopted that bespoke utmost determination to effect a change. A committee was appointed to visit the Governor to represent the situation to him and request the removal of the mayor and the appointment of a fit man. Violence was deprecated and the meeting adjourned after the appointment of a committee to co-operate with the sheriff in the suppression of disturbances. The people acted with the utmost forbearance and regard for the law, under the extremest provocation. Had the resolutions been sterner what followed might have been different. In the evening the trial of Clopton, Moore and Tyler, for their riotous conduct the previous night was being held before Justice Bramlette, a respected white Republican. What followed is shown by the evidence of witnesses before the Congressional Investigating Committee, sitting at Washington. Deputy Sheriff L. D. Belk testified:

"I had just left the court room and gone into the sheriff's office; heard the words 'damn liar' and then report of a pistol; ran into the court room and saw Tyler standing with pistol in threatening position pointing to Judge Bramlette; did not see anybody else with pistol; I state as my belief that Tyler killed Bramlette."

W. C. Ford, who was representing the State in the trial, testified that an altercation arose between Tyler and a witness, Brantley. He said:

"I told the witness to take his seat. Tyler asked the witness to get up, saying: 'I want three colored men summoned to impeach your testimony.' Brantley started forward with a stick. The marshal caught hold of him. Tyler got up, put his hand around, as I thought, to draw a pistol. But somebody then passed between us and I saw him no more. At that instant a pistol was fired from the door leading into the hall which led to the sheriff's office. That was in the direction of Tyler when I last saw him."

C. L. Sherman, a practicing physician, testified:

"I was in the court room when the affray began, sitting about six feet from Judge Bramlette. I saw Tyler fire the first shot that was fired in the court room. The first shot killed Judge Bramlette and was fired by Warren Tyler."

A. R. Wilson testified to seeing Tyler draw his pistol, present it and fire towards Judge Bramlette. This was the first shot fired. J. D. Klein, W. W. Shearer, and T. H. Winingham testified to the same effect. No one else was charged with the first and fatal shot but Tyler. Whether he meant to kill the witness, Brantley, or Judge Bramlette, there was no means of knowing.

In the inflamed temper of the people what followed Bramlette's murder was as natural as for the explosion of powder to succeed the flash that fires the train. Instantaneously pistols were drawn with deadly intent. In the fusilade Clopton, the murderer, and another negro were killed. Affairs at once fell in the hands of a large posse of white men, acting under authority of the Republican sheriff. The mayor, who in a subsequent investigation was charged by the Circuit Judge of the district to be primarily responsible for the outbreak, was placed on a north-bound train and notified never to return.

Three negroes, marked as chronic disturbers of the peace, were killed Monday night, and other strife-stirring negroes, including the notorious negro preacher and member of the Legislature, Aaron Moore, absconded. The latter found asylum in his seat in the Legislature, finding willing ears for highly flavored accounts of the Meridian riot and his own innocent and perilous mix-up in it.

The following partisan declaration of the facts of the riot appeared in the *Jackson Pilot*, the State radical organ:

"The only comment necessary in order to show where the burthen of fault should rest is to make the plain statement that there was only one white man killed, and he accidentally, while eight or ten negroes were left on the field of massacre weltering in their blood."

To this the *Meridian Gazette* replied:

"It is a notorious fact that the people of this city have purchased peace at the expense, almost, of self-respect. They have suffered indignity and outrage for the sake of law and order. They have patiently listened to inflammatory and insulting speeches by incendiary negroes, quietly witnessed public processions of lawless men gotten up for the purpose of exciting and demoralizing those of the colored population who were disposed to do right. They have not interfered with the negroes whose

ceaseless annoyances in the way of firing at night has for months past kept women and children in a state of alarm. In short, they have endured everything in the presence of Sturgess, Bill Clopton, Price, Warren Tyler and others. The simple fact that these men have for two years past domineered over this community attests our long suffering and forbearance."

While the Meridian riot was made to do service in carrying the force bill through Congress, for which it came on very opportunely, it was so palpably and solely provoked by the wretched local government and the incendiary teachings of local radical leaders, that the investigating committee did not refer to it in the majority report. Proving that there was no possibility of coloring and twisting it to party uses, the hundreds of pages of testimony taken was entirely ignored. The committee minority report said:

"The whole affair was unquestionably attributable to bad men who stirred up strife between the races in order to keep control of the negroes; in that sense, and in that sense only, was it a political riot. It is clear from all the evidence that the great mass of the white people tried in every way possible to preserve order and keep the peace."

Although Governor Alcorn had written to the State delegation in Congress that "except the Meridian riot, which had been speedily suppressed, there were only some minor outrages on the Alabama border," he used all his influence for legislation that nothing short of organized resistance to the State power would have justified. In response to his message recommendation, the Senate passed a bill March 20th providing that the Governor should have power to order prosecution of any person charged with a felony in any county in the State, in such other county as he might select. And that "the facts on which prosecution was directed shall be held as true and not be subject to dispute or denial, and that when any indictment shall be found under this act in any county other than that in which the offense was committed, it shall be kept strictly secret until the offender or offenders, either as principal or accessory, shall have been arrested." Power was also conferred on the Governor to change the venue of any person indicted, whenever "it shall appear to his satisfaction that a fair and impartial trial cannot be had in the county of the crime." To carry out its provisions, this bill, which the official organ gave formal notice that the Governor favored, car-

ried an appropriation of \$50,000. The Democratic members filed a protest against the enactment of the mischievous measure. But, drastic and usurpatory as were the powers it devolved on the Governor, it did not go far enough to meet his ideas. And on April the first he addressed the Legislature a message which contained the following statements:

"Recent outrages at Meridian and a few other points on our eastern border point to possibilities which demand special measures of detection and punishment. In anticipation of such a necessity I asked you in my annual message for authority to deal with the crimes of the Ku Klux by an offer of rewards as high as \$25,000, and added to what I now again earnestly urge upon you—that the rewards offered in any county shall, when paid by the executive, be made a special tax upon that county. With the right to change the venue on the part of the State placed in my hands, a power which cannot fail of effectiveness will have been set in motion with certain success in not only detecting and punishing but to a great extent in otherwise preventing the outrages of those midnight assassins."

The Legislature was further reminded that it had not yet cured the militia law of the defect he had pointed out, of settling the auditor's doubts as to the Governor's power to order payment of expenses involved in using it. He said further:

"With the question of my authority to order payment for a single saddle or a cartouch box, the conveyance of the power to 'organize and equip not to exceed one regiment of cavalry' becomes a dead letter. I again invite the attention of your honorable bodies to this fact, with the earnest request that in addition to actual authority to organize the militia generally you give me actual authority to organize and call into the field a cavalry regiment of picked men for operation wherever masked assassins shall be seen—the cost of subsistence of those troops to be levied as a special tax upon the county to which they shall have been called by the appearance of masked assassins. With this power made good in my hands, outside any scruples of the auditor of public accounts, such tax-payers as shall dare to tolerate by their sympathies the performances of the Ku Klux will very soon find out that toleration will have cost them heavily in penal taxes."

April 6th the Senate passed the "picked cavalry" regiment bill the Governor had set his heart on. It carried an appropriation of \$100,000. The House hanging fire, the Governor returned to the despotic proposition in a message May 4th, saying:

"I call your attention earnestly to the fact that you have not yet supplemented those powers by giving me authority to change the venue, etc. I trust your honorable body will not fail to pass, before your adjournment, such laws as will enable me to draw the Ku Klux assassin from his hiding place, and hand him over to certain justice."

He further asked that pending examination before a circuit judge or chancellor "persons accused of Ku Kluxism shall be held in the county jail to the exclusion of any application for his enlargement on bail. This will remove cases of so grave a character from the good nature or the timidity of an ordinary magistrate, to a magistrate whose learning will prove a foil to that of counsel, and whose dignity of position will overawe the agencies of intimidation." Thus spurred a favorable report was had on the bill from the House Military Committee, May 11th. But it failed—a motion to pass it was displaced by another bill. On the same day, which was only two days before adjournment, the House postponed further consideration of the change of venue bill. It is palpable that these measures which Governor Alcorn so persistently and insistently urged were more menacing to the lives and liberties of the citizens than any stretch of national authority. It was fortunate for the State that the carpetbag auditor refused to honor warrants for the expense of calling out and equipping "a picked regiment of cavalry," without express legislative direction and authority; and that a legislature with a majority of aliens and scalawags held back from passing a law so heavily charged with probabilities of direst evil. The message was referred to the Judiciary Committee of the Legislature, but adjournment came without its being reported back. It was plausibly charged that the real purpose of the legislation asked by the Governor, his picked cavalry regiment and change of venue measures, was for coercing the whites in the ensuing election.

Of course it was not for such reason that a radical majority failed on this bill. But when the Ku Klux act was adopted, April 20, 1871, and Federal troops were provided to aid the Federal Court in prosecutions under it, the carpetbag leaders felt independent of Governor Alcorn and chose not to place such power in the hands of one they detested and distrusted, hence the picked regiment bill was dropped.

Governor Alcorn's recommendation for legislation so dangerous and odious was simply atrocious. His message urging it reflects a wholly false view of the conditions in Mississippi. In the 1871 State campaign, out-Heroding the radical Herods

in an effort to justify his embrace of negro equality of citizenship, he declared:

"Southern people surrendered all rights of citizenship, all rights of property, when they laid down their arms. If the government had put to the sword every white man, if the guillotine had been moved by steam, no voice in all the world would have been raised in your behalf. Look at the treatment of the commune by the French government. The world endorses that, and would have endorsed similar treatment of ourselves. What right have we to talk of the Constitution?"

There was no lack of hot rejoinder to such offensive and inflammatory reviling. The following resolution adopted in what was described as the largest meeting of white men in Vicksburg, expressed the common sentiment the Governor aroused against him for his Ku Klux proclamation and his campaign speeches seeking to place the white men of the South beneath the negroes in the scale of American citizenship:

"Resolved, That we regard Jas. L. Alcorn as an open and avowed enemy of his race; that we denounce him as a corrupt tool of a vindictive and relentless policy; as the friend and abettor of the vilest set of villains that ever preyed upon a peaceful people; that we utterly repudiate and condemn the doctrine as enunciated by him that nothing short of the gallows is a fit punishment to a free and high spirited people; and that we hereby deny that he is in any way a representative or an exponent of the feeling and sentiments of the upright and honorable people of Mississippi."

This is a bitter and a sweeping arraignment. But it cannot be said to go beyond the provocation as recorded.

The Congressional investigating committee first took testimony in Washington. The first of the Mississippi witnesses was called June 8th and the last August 4, 1871. The greater portion of the testimony taken at this time was relative to the Meridian riot. As already stated, this yielded the committee no valuable material. A sub-committee was appointed to take testimony at certain Southern interior points. But, over the protests of the minority, the committee majority made up its report upon the testimony taken at Washington. Thus consideration of evidence subsequently taken, directly disproving much of that on which the report was based, was cut off. Mississippi was calumniated and condemned on the word of witnesses afterwards proved to be without reputation or standing at home. Some, the chief indeed, were indicted criminals. Logically the Congressional investigation should have preceded

the enforcement act. The reversal of the order was the equivalent of hanging first and trying afterwards. Logically, after the act was passed, on the presumption of the guilt of "the late insurrectionary States," there was no reason for the investigation. Logic, however, gave way to partisan strife. The operation of the act and the report of the investigation were needed simultaneously to check the tendency in the North to revolt against the reconstruction practices.

The sub-committee had for its minority member Senator Frank P. Blair of Missouri. It convened at Macon, in Noxubee County, November 6th. Testimony was taken here until the 9th, when the committee began taking testimony at Columbus. On November 18th the taking of testimony was closed, and the sub-committee adjourned. The political conspiracy theory had for its chief witness and exponent U. S. District Attorney G. Wiley Wells. He took the stand November 17th, the day before final adjournment. His evidence is quoted:

"I commenced the prosecutions about the 15th of May, 1871. I have been engaged continually, traveling or otherwise, prosecuting my duties day and night. I have now under indictment between two and three hundred persons. I have under bond for appearance at court perhaps thirty-five to fifty. I have investigated the matter pretty thoroughly, I believe. I have striven to ascertain the aims and objects of the organization, because it became a settled fact soon after I began these prosecutions that there was an extensive organization, which had its surroundings and ramifications over a large portion of my district. It seemed to be under one management, or at least its different parts were co-operating. The aims and objects I have also ascertained from parties who have turned State's evidence, and I have the most positive and conclusive proof that the purposes of the organization were to carry the elections by terrorizing and keeping away from the polls the blacks and by compelling them to vote the Democratic ticket. * * * We commenced a vigorous prosecution. This seemed to strike terror into the organization, and then it lulled. * * * The papers were teeming with articles concerning the Ku Klux bill, and that seemed to have the effect to suppress them for the time being, until that law came to be discussed among certain lawyers by whom it was thought to be a very defective act. About that period the organization seemed to spring into existence again, and the authorities were being overpowered in different sections. Reports were coming in asking me for assistance, and I started out again and caused the arrests of large numbers."

Upon the conclusion of the testimony of United States District Attorney Wells, Senator Blair, the minority member of the sub-committee, said:

"In calling this witness at this hour when the determination of the committee has been arrived at to adjourn to-night, it is utterly impossible

for me to call any witness in answer to him, and in this the object of sending this committee down here has been defeated so far as the ends of justice and truth are concerned. This is done not only in the case of this witness but in the whole body introduced here to-day from a distance, and that course has been pursued at almost every place we have visited. * * * If the ends of justice were had in view I was entitled to know when witnesses were to be called from any part of the State, but I have never been allowed to know it. * * * I have no cross examination to make of the witness."

Held back until the close, District Attorney Wells' testimony had been very shrewdly contrived. He was forced by Senator Blair, on whom he was sprung unawares, to admit that he had been in Columbus for a week and in constant consultation with the other members of the committee. He shaped his testimony accordingly. So largely had other witnesses of his side been contradicted and discredited by circumstantial proof that Wells testified mainly of new matter, where evidence in rebuttal was not available. But in general his theory of a political conspiracy was completely refuted by testimony previously taken. The Ku Klux oath as he obtained it from men who pretended to have belonged to the Klan, and whom he used as witnesses and grand jurors at Oxford, that the initiates were sworn to "suppress the negro and keep the Democratic party in control of the country," was shown to be a pure invention. A few instances illustrative of how unscrupulous United States Attorney Wells was in his prosecutions are cited.

He told the committee of the killing of a negro named Solomon Triplett, who was assassinated in his cabin one night in November, 1870. Wells claimed "conclusive and positive proof" that the cause of the killing was that Triplett had voted the Republican ticket a year before.

A. K. Davis, afterwards the State's negro Lieutenant-Governor, testified that the killing was supposed to be by a certain white man who coveted Triplett's wife. Other witnesses who lived in the vicinity testified to the same effect, and none of them attributed it to politics. But it was political murder this committee wanted, and Wells proved a most accommodating witness. He told of a negro named Turner who was killed in March, 1871, "because he would not vote the Democratic ticket in 1869." This palpably false story was run into another to the effect that he had secured an indictment against a man named Harrison, based on his remark that the party "had killed the

wrong negro, that it was not Turner, but Nero, they wanted to kill." United States Attorney Wells claimed that he obtained his information relative to the purposes, organization, etc., of the Klan from certain members who had belonged to it. One of these was John R. Taliaferro, of Noxubee County. This man, after being used as a witness in the indictments at Oxford, testified before the committee at Washington. He gave the most lurid evidence, perhaps, of all. He was proved to be utterly unreliable, a thief and worse. One of the negroes he swore in Washington had been murdered was proved to be alive and unharmed. While testifying at Washington and Oxford he was a fugitive from justice, an indicted mule stealer. Worse than that, he had while a Confederate soldier been guilty of a most atrocious murder of Union soldiers. Of that affair, which witnesses testified he boasted of, the following newspaper account was put in evidence:

"We had an intuitive feeling when we read the evidence of Taliaferro before the outrage committee that he was the Taliaferro we saw during the latter part of the war, who was a Ku Klux, and coward, and a murderer, for we helped to bury one Sabbath afternoon, in the fall of 1864, at our old home in Madison, Georgia, five Yankee prisoners whom he and two other assassins had foully murdered. Well do we remember his telling us of how four of the men had pleaded for their lives, telling him they were his prisoners, that they were soldiers, that they had their wives and little ones at home, and that they ought not to be killed for doing nothing else than defending their flag; then we remember how one brave spirit told him to kill, that he was an infamous hound, destitute of courage and manhood; that the tied prisoner wanted to show him how a man could die. The infamous Taliaferro placed a pistol to the heart of the brave fellow and fired. Taliaferro told us this himself before we went to where the prisoners were dead, and the facts of the killing sustained his statement of the butchery."

The witness, Colonel Baskerville, who tendered this paper, was asked, "Is that the man? Does the article truly express his reputation?"

"Yes, sir," was the reply. "I know nothing of the circumstances mentioned in the article, but he is the man referred to. I have heard Taliaferro boast of the Yankees he had killed. He was a neighbor of mine. He stole a mule in April and left the neighborhood."

Another of the witnesses and procurers of evidence for District Attorney Wells on whom he depended for his indictments was a negro named William Coleman. According to their story this

victim had been shot, stabbed, knocked down and whipped, and "all because he was a radical and owned land and stock." Mr. Robert Rives, a lawyer of Macon, who knew Coleman, testified that "he owned no land and nothing else; that he was a laborer on his (Rives) place, and that the report was that Coleman had been whipped for hog stealing by negroes in his own neighborhood." Two of the witnesses for the government at Oxford were Monroe County negroes under indictment for murder. It was made apparent in the committee investigation that they testified against Wells' Ku Klux under threat of the penitentiary on the one hand, and the boon of freedom on the other. M. A. Metts, a reputable citizen and ex-sheriff of Winston County, testified of some of Wells' outrage cases. He said:

"Mordecai Mitchell was whipped because he harbored negro thieves, and not because he rented land to negro tenants. Nathan Cannon, a negro teacher, was whipped for telling his scholars to demand race equality. Mose Bird was not killed—he absconded under three indictments for stealing. Jesse Thompson was not killed for voting the Republican ticket—he was killed in 1865 or 1866. Allen Bird was not killed in consequence of his political opinions. He was in jail where he was killed, indicted for attempted rape. George Worth, a negro preacher, attempted to raise a race war in a negro meeting, which was dispersed by the radical sheriff. Shortly after Worth was assassinated by two or three unknown men."

This fairly comprises the testimony of a perfectly reliable witness of whipping and killing, in what Governor Powers said was the "worst Ku Klux county"—the offenses for which the county was repeatedly raided by unprincipled deputy marshals and scores of citizens accused and carried before the United States Court at Oxford. Mr. Metts testified, and this will be recognized as important in its contradiction of the "conspiracy theory," on November 8, 1871:

"On April 6th (1871) a meeting was held attended by men from all sections of the county, and adopted a resolution condemning the Ku Klux depredations. Since then there have not been any; everything has been quiet since."

This was early in 1871, and two weeks before the passage of the Ku Klux law.

One of District Attorney Wells' grand jurymen, Edward E. Holman, testified before the committee concerning the Ku

Kluxing of a man named Eccles, for which a batch of indictments had been found. He swore that Eccles, who was from Chickasaw County, had been whipped "because he said he was not in favor of the Ku Klux." Witnesses familiar with the locality and the affair testified that he was whipped for the crime of incest. He was a notoriously bad man. General Gholson testified that he had bought Eccles' land in Monroe County to put him out of his neighborhood years before, "believing Eccles had burned his gin."

It was with such tools as Eccles, "a good Union man," as the grand juror Holman in his evidence called him, that G. Wiley Wells worked. With a grand jury of whom all were Republicans and two-thirds members of the Loyal League, oath-bound to obey the behests of the radical leaders above law and conscience, it was no trouble to obtain indictments. His batch of deputy marshals would have disgraced convict stripes. Murderers and thieves, they were sent abroad to make arrests at discretion, accompanied by soldiers for protection in their vile work. How zealously the law officers of the government carried out the scheme of their party is to be read in a statement made by a negro, one of half a dozen K. K.'s arrested in Oktibeha County, which was borne out by every corroborating circumstance. He said:

"The Holly Springs jailer worked to get me to testify against the white men. When I told him I knew nothing against them I was carried before a high United States officer who worked for hours on me. He told me if I would say I was connected with these men as Ku Klux I would not be sent to the penitentiary. When I wouldn't tell because I knew nothing against them, he said he intended to send me to the penitentiary."

The prominent United States official alluded to was the carpetbag United States District Attorney, G. Wiley Wells.

Such were the crimes committed under the pretext of suppressing Ku Klux outrages. Col. Charles Baskerville of Noxubee County, said in his testimony:

"Warrants of arrests were sent in blank to a deputy marshal named Wissler, a vagabond Dutchman, a murderer, a robber and a justice of the peace. Another deputy working with Wissler, named Reed, was accused of being a robber of the express company."

He said "the arrests were for political purposes, and to earn the rewards offered by Governor Alcorn." Of this precious pair

Reed had been indicted some years before for robbing the express company, of which he was agent, of \$10,000. He was a Northern man, and was arbitrarily taken from custody of the civil officials by order of the military governor, General Ames. In his trial before a military court he only escaped conviction, according to the testimony of Judge H. L. Jarnagin of Noxubee, who prosecuted him, through the death of a witness. Judge Jarnagin said his guilt was clear. Wissler, or Whistler, his name is printed both ways, was a magistrate at Macon, and under a number of embezzlement indictments. He was also under a \$5,000 bond to answer to quite a singular charge of manslaughter. While on his way from Oxford to Macon in charge of Ku Klux prisoners, Wissler was delayed at Corinth. He became acquainted with a tobacco drummer named Shipley, and they had a drinking bout. While sitting at the supper table a coal oil lamp in Wissler's hands was thrown or was upset on Shipley, and he was fatally burned. In a dying declaration he said Wissler had robbed his person of \$500, and when so accused had thrown the coal oil lamp on him. The story was corroborated by a waiter in attendance, who said that Wissler ran away without making any effort to rescue the burning man. Wissler was arrested by a magistrate. He wired Wells who, in the name of Judge Hill, peremptorily ordered his release. As this did not work, Wells sent another telegram that he had communicated with the attorney-general, that he was on his way to Corinth and when he got there he would "teach the sheriff a lesson." He did have Wissler released, threatening the magistrate with arrest. Wissler was subsequently arrested and bound over as above stated.

Pending trial of his case, and a few days before the congressional committee reached Macon, on the night of the election, Wissler was killed by a shot through a window of his home. Witnesses sought to make the impression on the committee that he was killed to prevent his testifying before it as to Ku Klux crimes; as though the committee did not have Wells and Taliaferro and Huggins. The belief was that he was assassinated by some of his wife's kin, whom he had arrested, through private spite, under the blank Ku Klux warrants sent him to fill out and serve. Wissler had been an Ohio bounty jumper, and had been exten-

sively engaged during the war in the circulation of counterfeit Confederate notes. His father was an engraver at Richmond of Confederate notes and postage stamps.

Wissler was also the occasion of the disturbance in the Federal court room at Oxford, in which Col. L. Q. C. Lamar so prominently figured. In the investigation before the committee this was brought out and aired through a number of partisan witnesses, including United States Attorney Wells. Though somewhat of a digression, the circumstances as stated by two reliable witnesses before the sub-committee, men of high character and prominence in their day, is quoted. Both were eye witnesses of the exciting scene. It was during the trial of the Monroe County prisoners. Col. R. O. Reynolds, one of the counsel for these men charged with Ku Kluxing, stated:

"Colonel Lamar arose and commenced to address the court, stating that a few days before Judge Hill had bound over the Oktibbeha prisoners to keep the peace. That he desired the court to bind over a man who was there before the court because he had been threatening him, dogging him on the streets of Oxford, as he believed, for the purpose of provoking a disturbance. My recollection of the remark is: 'I ask your honor to protect me from the cowardly assassin.' When he made the remark Wissler jumped up and threw his hand behind him."

Here Colonel Reynolds does not give Colonel Lamar's words. But General Gholson, also a witness to the scene, testified:

"Lamar ordered Wissler to sit down. He did not do so. Lamar caught up a chair and told him if he did not sit down he would make him do so. The Judge seemed to be a little excited, got up and ordered silence, and ordered the marshal to keep order. What went with Wissler I do not know, but somebody pulled down the chair that Lamar had in his hands. Colonel Reynolds said pretty loudly to the prisoners: 'You Monroe men sit down.' About that time soldiers came to the door. Lamar was still demanding his right to speak. The marshal came up to him and spoke. What he said I do not know. Lamar struck him a pretty hard lick on the face and sent him reeling. That increased the excitement. Lamar went on speaking."

Of the entrance of the soldiers Colonel Reynolds said:

"My attention was then directed to the Federal soldiers, and I heard the click of their guns. As soon as I heard that I said to General Featherton: 'General, let us not let these soldiers fire.' We went up to them and told them there was no use in interfering, and they brought their guns from a 'ready' to an 'order.' Everything became quiet. Colonel Lamar still on the floor. Judge Hill ordered him to sit down. He said he would not do it, that he claimed his constitutional right to be heard and said something else which was handsome. Finally General Feath-

erstone and other friends led Colonel Lamar into another room. Everything quieted down and, as General Gholson said, 'we went on with our case.'

Colonel Lamar was disbarred, to be restored a few days later.

In May's Life of Lamar the origin of the trouble is told as follows:

"Colonel Lamar's law office opened on the same stairway and passage of the Federal court room. As he approached it on this occasion he found a scene of turbulence and excitement. Whistler (Wissler) was beating a citizen of the town named Kelly, an old man under the influence of liquor and unable to defend himself. Kelly appealed to Colonel Lamar for protection, to which Whistler replied by swearing at the Colonel. The latter applied to the mayor, whose office was in the same passage-way, to have the man arrested, and passed on, but the arrest was not made."

The deputy marshal in attendance on the court arrested Wissler because the noise of his attack on Kelly was disturbing the proceedings, and carried both parties before the mayor. But the authority of that official was disregarded. Afterwards, seeing the man at liberty, in the court room, Colonel Lamar appealed, as related above to the court to place Wissler under the restraint of a peace bond. For what ensued the officers of the court were wholly responsible in employing and countenancing such a creature as Wissler.

It is still a living memory in Oxford of the riff raff gang of ruffians G. Wiley Wells had gathered during this June, 1871, term of court. Informers inspired by grievances, grudges and greed, a rascally group of deputy marshals, without reputations or responsibilities, sent abroad to make arrests upon batches of warrants in blank. To protect them from popular indignation, which was justly excited, United States soldiers were sent with them. Every fray, whipping or killing, where a negro or white Republican was the victim, was treated as a Ku Klux outrage. Brought before a grand jury packed and picked to indict, United States Attorney Wells was successful in securing, as he testified, "between thirty-five and fifty indictments, embracing about three hundred men."

These indictments were all for offenses committed in the three months between the middle of February and the middle of May; when there had been no election and no political agitation in the State for a year and a half. This circumstance, as well as the

facts of the indictments drawn by Wells, prove the absolute falsity of his evidence, that the purpose of the crimes or the criminals charged was the carrying of any election or the keeping of the negroes away from the polls.

District Attorney Wells testified a few days after the election in 1871. That was the next election held in the State after 1869. His political conspiracy theory is unsustained by a single instance of outrage or disturbance in the Ku Klux batch of counties, or elsewhere in the whole State, growing out of or connected with the campaign and election of 1871. There is nothing in all the testimony or the facts to show that the election did not pass off, so far as the white voters were the oppressors, without violence or intimidation whatever at a single precinct. By all of the witnesses the Ku Klux outrages ceased months before the election; none were alleged later than the first of July.

In spite of an earnest and patriotic struggle the election went against the Democrats. The radicals secured a majority in both branches of the Legislature, but in the representatives it was by one so narrow that only the grossly unfair apportionment saved it. In nearly all of the white counties local government was rescued from the aliens. Federal troops were freely used and contributed largely to the result by keeping up the intimidations of the Ku Klux campaign. Raids and arrests were made on the most trifling cases and complaints. On receipt of news of an assassination in Leflore County, a company of infantry was hurried there from Jackson. At Winona it was learned that the victim was a white man and a Democrat and his assassins negroes, whereupon the soldiers were sent back. The negroes were voted solidly as organized in their Loyal Leagues. Disorder and demoralization prevailed to a greater extent than ever before. Excited and inflamed by the speeches of Governor Alcorn and others, to look upon Democratic success as tantamount to their reduction to a condition approaching slavery, they were greatly wrought up. Rioting and violence were narrowly averted in a number of places. The Governor, who led the radical campaign, was met at various places by General Lowry, Colonel Lamar, Judge H. Chalmers and Hon. E. Barksdale, who exposed the falsity of his assertions, his sham and shady record. A dramatic incident occurred at Meridian, in the joint debate between the Governor

and Editor Barksdale of the *Clarion*. From his seat the Governor denied a charge that the editor of his official journal, the man he had appointed Superintendent of the State lunatic asylum, had been an active member and a high official of the Ku Klux. Barksdale thus met his denial:

"Sir, for two months past I have made this charge and Dr. Compton himself has not denied it. Now you have undertaken to do for him what he has not done for himself. To settle this question I will make this proposition. I will again make the charge and if Dr. Compton does not deny it, or if he does deny it and I will prove it, will you pledge yourself to dismiss him from office and the organship of your party?"

The offer was received in silence and confusion, to which the attention of the audience was directed with telling effect. It constituted a peculiar aggravation of Governor Alcorn's part in the outrageous Ku Klux prosecutions, that Dr. Compton, his most trusted friend and counsellor, had been the organizer of the order in his section, in 1867, and active in inducing men not only in his own but adjoining counties to join it. The fact had been charged and substantiated, in Alcorn's presence, through witnesses by Colonel Lamar, at Holly Springs, where Dr. Compton lived.

While a great strain upon the patience of the white people of Mississippi, the 1871 election passed, as above stated, without riot. To this statement there is just one exception. A few days before the election, October 21st, a white man named Lee was brutally murdered by a negro mob of nearly a thousand, which was being addressed by the carpetbag county leaders and candidates at Artesia, in Lowndes County. The affray so faithfully reflects the prevailing political condition of the South that the testimony of two eye-witnesses before the congressional committee is quoted. Sheriff-elect Hiram W. Lewis said:

"Mr. Bliss, candidate for the Legislature, had just got up; had not spoken more than a sentence, when a voice was heard directly on the left hand of my buggy, saying: 'Are you a white man?' I looked and saw it was a white man in the midst of the crowd, the only white man in several rods of the buggy. I hunched Mr. Bliss and told him to pay no attention and he kept right on. In a minute or two I heard the report of a pistol in that direction. I looked and saw this man running. I called as loud as I could to let him go. But the colored men took after him. One colored man standing in the buggy called as loud as he could, three or four times 'to catch him.' All at once there were five or six shots fired in rapid succession. He dropped instantly and was dead."

A number of colored men came to me that night and told me they saw him when he pulled his pistol and fired quickly at Mr. Bliss or myself in the buggy. They told me he began to fire at them when he found out he could not escape."

Dr. Oscar C. Brothers of Artesia testified as follows:

"In the afternoon my attention was called by the sound of a drum and fife and yelling coming up the railroad. It was a party, numbering I suppose six or eight hundred. A freedman, Levi Jones, was mounted at the head of the column. It was divided off in companies, each having its commander riding with a sword. One company seemed to be armed with guns. Lewis was about the center in a buggy, Bliss in a carriage. The speaking began in front of the station. A friend suggested we get on our horses and ride up and hear what they had to say. We rode in among the mounted men with guns. We were about twenty paces from the speakers. After about three minutes I saw smoke from a gun, heard the sound and am satisfied it was a gun. Then I heard the yell: 'White man, kill him, kill him.' The crowd from the buggy west seemed to shove in that direction with one accord, accompanied with a firing of six or seven guns or pistols. As soon as that was over some one hollered: 'Boys, to your wagons and get your guns.' I saw parties take three or four guns from a wagon. A negro took out a carpet sack of what I supposed to be pistols. I said: 'For God's sake don't take those pistols out.' His reply was: 'I'll be damned if I am not going to take those pistols out.' I dismounted and went to the dead man. I found there Mr. Lewis and Mr. Bliss. I said to Mr. Lewis: 'Can't you disperse this crowd? Already one innocent man has been killed. If you don't I will telegraph to Columbus and West Point and get men to disperse them.' He said: 'Yes, I can disperse them.' He said or did something and the crowd dispersed like magic. He had the most complete control over the negroes. I am no more afraid of the negroes than I am of you gentlemen. I have been raised with them. But if Lewis had said: 'Kill Dr. Brothers,' I would have been killed in a twinkling. Senator, if he had said kill Senator Pratt, it would have been enough. But if they wanted to borrow a horse or a piece of tobacco they would not go to Lewis. They would come to me."

The testimony of Lewis and Bliss conflicted with that of Dr. Brothers as to whether Lee was armed. Dr. Brothers referred the committee to the testimony on the inquest and asked to have the magistrate and the other witnesses summoned. He said its record would show that "one freedman only testified that Lee had a pistol, and other freedmen and white men testified he did not. And that the magistrate threw the one man's testimony out."

Circuit Judge Orr, whose court was in session and investigating the Artesia riot, testified that he "did not think Lee had fired a pistol or was armed." He instructed the sheriff to proceed to the scene and make arrests of those guilty of the murder, of whom the coroner's jury had returned a verdict against six,

named, and others unknown. The sheriff arrested and jailed sixty-four, including Lewis and Bliss. This included witnesses as well as those charged with the crime. "The sheriff informed me of what he had done," testified Judge Orr, "and I informed him he had misconstrued my instructions. At once all but eleven were discharged." But this did not save the luckless sheriff. Under the partisan cry raised he was summarily removed by Governor Alcorn and hauled off to Oxford under one of G. Wiley Wells' charges of "violating the Enforcement Act." The affair created no little excitement in Lowndes and adjoining counties—white men banded and moved toward Artesia, under the reports of danger of massacre of whites. But United States troops were hurried to the scene and they returned home. The *Columbus Index* said:

"All is quiet along the Potomac to-day, though last night we were excited by a report that 500 negroes were marching from Aberdeen to burn the city and release the prisoners charged with the Artesia murder. The negroes are angry and excited while the whites are calm and ready for anything that may transpire."

The excitement did not subside with the conclusion of the election. The habit of parading under arms, with beat of drum and flying banners, the negroes were loath to lay aside. It was doubly dangerous in its tantalizing offensiveness to the whites. In Oktibbeha the nuisance became so incessant and intolerable that warrants of arrest were issued by a United States commissioner for the League leaders, and placed in the hands of a deputy United States marshal to serve. This caused a great uproar. All the Leaguers of the county were gathered to resist the arrest. They entered the little town of Starkville in military array. In an attempt to disperse them the carpetbag sheriff, a brother of Governor Powers, was badly wounded and several negroes were shot. The whites being totally unprepared for strife the town was menaced with outrage and sack. During the night armed squads rode in from every direction and afforded safety.

Having refuted the theory that the Ku Klux outrages were the product of a political conspiracy, in the sense that this was charged by the radicals, it now remains to show their origin. Generally speaking the disturbed condition was one of effect whose connection with its causes is plainly marked and traced.

The legislation of 1870, and the scandalous performances of Alcorn's corrupt and conscienceless appointees, were the dragon's teeth that sprouted in the "masked assassin." The county officials are thus described in the testimony before the congressional investigating committee, of Attorney-General Morris, who was elected on the Alcorn ticket:

"Sometimes men have been sent into a county with their commissions in their pockets, who were never in the county before, knew nothing about the people and possibly were not known to anybody residing there. The people had a natural contempt for such men. I had a contempt for them myself. I thought a mistake had been made in this respect. None of these local officers were elected by the people. The Boards of Supervisors who levied the county taxes were appointed by the Governor. The Supervisors appointed the school directors. The people had nothing to do with the selection of these officers—magistrates, constables, sheriffs, and all were appointed by the Governor. These officers were often regarded as being interlopers who had come among them merely to stay as long as they held office. This has been a fruitful source of discontent."

The cause of the disorders in the group of counties in the eastern part of the State at this time lie too close to the surface of events to permit their perversion. First, there was a comparative failure of the cotton crop in 1870, which added to the unrest. The excitement of the Alabama election in August, 1870, in which the Ku Klux were active in some of the border counties, was felt to an extent in the East Mississippi counties. Then there came on the time for paying an exorbitant tax; in some of these counties amounting to as much as four per cent of an extravagant valuation of properties. Under the operations of an act of the Legislature of 1870 changing the time for collecting taxes, two annual collections fell in that year. By far the largest item of taxation was for the school system, newly installed.

The main immediate precipitant and provocation of the disorders, it is indisputable, was a school system primarily designed for negro education. To this the hostility was general. It is quite easy to moralize against such a sentiment as unpatriotic and unwise. But was there not a cause, deep rooted in racial instinct and training, and fed on bad government? Be this as it may, where discontent ripened into lawlessness the nearest objects for it to be vented on were school houses and school teachers, some of the school houses being burned and a number

of the more obnoxious teachers being ordered out of their counties. Some, on refusing to obey the order, were whipped. This was outrageous and would have been punished by law had the citizens controlled the machinery of law. As to any failure in force of public sentiment the historian will not fail to give due weight to causes growing out of the demoralization, the laxity, of a diseased State. Under the warrant of the testimony taken the report of the minority of the full committee, among whom were Frank P. Blair, T. F. Bayard, S. S. Cox, Jas. B. Beck, affirm that dissatisfaction with the establishment of negro schools, and the heavy and arbitrary taxation levied by the county boards, under authority of the school law of 1870, was the soil in which the Ku Klux seed sprouted. In referring to the school question this report says:

"That is all, or nearly all, there is or ever was of Ku Kluxism in Mississippi anywhere. There was no politics in it; the fact that all or nearly all the white men and taxpayers are Democrats, while all the school masters had to be radicals, of course, alone gives it anything like a political aspect. It was in fact a struggle, regardless of politics, whether the white people in those counties should drive off the men or break up the system producing such results."²

Location of the cause in the State school law by the minority report is corroborated by that of the majority, which reads that "in addition, however, to the general characteristics of Ku Klux proceedings elsewhere, those in Mississippi are marked by the development of most decided hostility to all free schools, and especially to free schools for colored children."³

The committee majority, which never rose above partisanship, quotes the State school law and asked, was there "any reasonable pretext for opposition to it?" The law was the least of it. Every teacher of a negro school, supported at the expense of the white people, was a radical tool and emissary to excite race hatred among the negroes. And as to the burthen, the law's limitations of annual taxation for school purposes was no criterion of cost, under the Mississippi custom of issuing warrants.

The minority committee report thus illustrated the possibilities of plunder under the State school system:

²See Report of Committee, page 378.

³See Report of Committee, page 73.

"Take the school house and school teacher's tax as described by McBride, in Chickasaw County, as an illustration. There, he says, about two hundred schools were established, and of course two hundred teachers appointed. Of course several hundred radical schoolmasters had to be imported. These learned gentlemen would not put up with ordinary buildings which could be erected at cheap rates, but required handsome edifices, bells and walnut furniture brought from Cincinnati. These edifices cost from \$500 to \$1,000 each, and the law authorized the employment of teachers in Chickasaw at an average of sixty dollars a month. If the scheme had been consummated in Chickasaw, which is given as a sample, the cost for the year 1871 would have been \$100,000 for school houses and at least \$120,000 for teachers, besides all the expenses necessary to put the system in operation."

All over the State the robbery through the school system was especially rank. Personal knowledge and memory of the writer verifies this as to Washington County. The school law which the committee majority claimed afforded no "reasonable pretext for the hostility" to it was administered by a school board with a Cincinnati mulatto photographer for president, named James P. Ball, and his son for clerk. The father was also President of the Board of Supervisors and the son acting clerk for a carpetbag absentee of the Circuit Court. There was not a smoother or more rapacious pair of scamps in all the carpetbag fraternity. They played the game so boldly that they actually shocked the carpetbaggers, who resented a negro's entering the field they had pre-empted and his impudence in harvesting its choicest fruits without asking their consent. The practices of these Washington County school board officials, two years later than the East Mississippi investigation, were thus referred to in the *Greenville Times*:

"In regaling taxpayers last week with a relation of certain doings of J. P. Ball's Board of Supervisors, mention of his Board of School Directors was omitted. An incident of its meeting was the allowance of a bill of stationery to J. P. Ball, Jr., clerk of the school board, of \$1,700. Bohlen Lucas, a member of the Board of Supervisors, has called at the *Times* office to state that the \$4,477.68 stationery allowance to Circuit Clerk J. P. Ball, Jr., was never voted or acted on by the board, and the record of allowance was wholly unauthorized. Here is a nice little responsibility for the grand jury to decide between Ball, pere, Ball, fils, and Winslow, Clerk of the Board of Supervisors. * * *

* * * On investigation of the records it will appear to the grand jury that the jail contractor has been paid \$700 for constructing a school house at Leota. By examining witnesses it will appear also that no school house has been built or commenced. * * * Upon investigation of records it will appear that J. P. Ball, Jr., bought of Mrs. H. B. Theobald a certain lot for which he paid \$200, and promised to pay \$500 more. He then, in consideration of \$2,700 cash, paid, conveyed same lot in fee simple to the school board of which he is clerk and his father

president. The lot has since been sold for taxes and bought in by Mrs. Theobald's agent to protect her vendor's lien of \$500."

Separated from troubles and crimes with which the Klan had no real connection, though so charged, the proof is clear that what remains of the Ku Klux in Mississippi is almost entirely identified with the State public school system. This did not grow alone out of the prejudice to negro education and the extravagant and corrupt use of the school fund. The teachers of these schools were as a rule without respectable antecedents and of low character. Explaining a charge against himself of "mobbing a school," Colonel Baskerville, of Noxubee County, said:

"Complaints were made to me by my negroes that the teacher, a Yankee soldier, was not acting right. He was creating jealousies among the negroes and had interfered with them and their women. I discovered he had a white strumpet quartered among the negroes. I told him I would kick him off the plantation if he did not get off. He left and went up to General Eggleston (internal revenue collector). What he told him I don't know. But that was the truth of the matter."

Another one of the Noxubee teachers of negro schools was a carpetbag preacher named Scott. A young negro boy became distrustful of the methods of instruction under which the young idea of a dusky maiden, to whom he was partial, was being taught to shoot. His jealousy resulted in a note to Scott telling him to scoot, and signed with the cabalistic K. K. K. His chirography gave the jealous swain away, and he was arrested under the Enforcement Act. These are trifling but significant incidents.

The testimony of Mr. James Sykes, a Lowndes County planter, sheds light on the rascalities practiced through the school system. A tax of \$3,800 a year was levied on the sub-school district in which he resided, and where there were two schools. Upon investigation, after having paid his own exorbitant tax, he discovered that for an old building which he had built years before for his negroes, as a church, the county had been charged \$360 for rent, stove, repairs, fuel, etc., besides school desks and apparatus when no rent had been charged or paid, and the house and all in it were exactly as before the war. The other school in the district presented an exactly similar case of stealing. The only genuine expense was an imported teacher for each, at fifty dollars a month for five months in the year. For Lowndes

County the first budget of assessment, Mr. Sykes testified, was \$95,000. Seeking to place this in evidence, it was found that the record book had been placed out of the way. So great was the complaint that the amount was cut in half. It was this assessment, as conclusively proved, and the fraudulent practices in connection with the schools, that bred the Ku Klux outrages in this county. The Klan notified white as well as black teachers to close up their schools, that they would not be paid out of the public fund.

Of Monroe County Col. R. O. Reynolds, a lawyer of prominence and a citizen of highest probity, testified:

"In 1871 the free school system was inaugurated in the State. A. P. Huggins, County School Superintendent, made an application to the Board of Supervisors under an account of some \$60,000 for a tax to be assessed. He made extravagant contracts for school buildings and his contracts for school houses and the pay he allowed school teachers were regarded as extravagant. That is what produced dissension and trouble in the county. Huggins had agreed to pay \$400 each for school house. It was estimated by mechanics, examined by a committee of citizens, that a school house of the dimensions named could be built for \$250. Huggins' estimate of furniture for the school rooms was between \$3,600 and \$4,000, purchased in Burlington, Vermont. A Burlington paper charged that he was getting pay from the county at double the amount he paid for it."

It was for this Colonel Reynolds testified, Huggins was taken out and whipped. It was such a wretch who was the chief witness before the congressional committee as to Monroe County Ku Klux outrages. Many of these were wholly and explicitly contradicted by Colonel Reynolds and other witnesses.

Gen. S. Y. Gholson, another member of the Monroe County bar, who had been United States District Judge for twenty-two years before the war, testified that the secret organization, the K. K. K., of 1866 and 1867, had ceased to exist with the latter year, and that the one operating in 1871 had no sort of connection with the other. As to the truth of this statement there can be no shade of doubt. With all the other credible witnesses he made it plain that many crimes charged up to the Ku Klux were wholly disconnected from it and personal. While strongly denouncing the outrages of the latter period, such as the burning of school and gin houses, the whippings and assassinations, they had their origin, he said, in the abuses of Republican politicians.

In his testimony the Hon. J. A. Orr, of Columbus, Circuit Judge and Republican, testified that he charged the grand jury "elab-

orately upon the State statute against masked men and marauders. And that while investigating a case of that kind, two men who had been tried and acquitted of robbery, were taken out by disguised men and severely chastised. The guilt of one of the men was so apparent that I discharged the jury and ordered the sheriff to summon another." He said the Ku Klux "was condemned by the best citizens of the county, that the organization was for political purposes and protection." Being questioned closely by Senator Blair, he admitted he would have more accurately expressed his meaning and the facts by saying racial instead of "political" purposes. He said he "neither knew or had heard of employers seeking to control their laborers as to voting by threats of discharge or other offensive means." This expression was disappointing to the committee, but the witness could not be shaken from it. He declared that "all voted freely without restraint or fear in the last election."

Of the lynching of the two Flints, the first in his county, and section, Colonel Reynolds said:

"I know that it created as much horror and disgust among the white men as among the blacks, and there was a strong disposition to ferret out the offenders."

Judge H. L. Jarnagan, an universally respected and popular citizen of Noxubee, testified, November 8th, that he had not "heard of any disguised persons in this county for several months." He further said:

"I have approached several and asked if there was any such thing in the neighborhood where they live and they always deny it. My advice always has been that we are the men to suppress these things ourselves."

November 16, 1871, Capt. W. W. Humphreys, a leading citizen and lawyer of Columbus, testified as to Lowndes County:

"I am satisfied all good people would act in suppression of these night outrages with concert if they knew where to begin. Action en masse is out of their power. But sentiment is against the outrages. They have been denounced and in that way sentiment has been, to a great extent, successful. The records of the court and the grand jury report a decrease in them, and this has been brought about by popular denunciation. I do not and never have believed there was any regular organization. I think private parties, four or five, of a neighborhood, have whipped a negro on account of his political activity, or for stealing. White men have been whipped, too, for things they thought the law could not reach."

The tenor of Governor Powers' testimony is partisan and abounds in perversions of fact. But he substantially admitted most that is claimed as to the scope and causes of the Ku Klux. He said:

"We have not had much difficulty (in law enforcement) in Mississippi, except in the counties of Monroe, Lowndes, Oktibbeha, Noxubee, Kemper, Lauderdale and Winston. Outside of these, with few exceptions, there has been no trouble in enforcing the law. Winston is the worst of the lot."

It would have been more fairly accurate to limit the prevalence of this lawlessness to "parts" of these counties. No whole county was so infected.

E. P. Jacobson, United States District Attorney for the Southern District of Mississippi, testifying June 21, 1871, said:

"There was no difficulty in executing the laws of Congress in his district; that there would be great difficulty in enforcing the Ku Klux Act through the juries, because of a general inference that it was a hostile measure toward the South; that he was satisfied there was no Ku Klux organization in the State."

And yet the State press and men of influence were held culpable by E. Wiley Wells because they denied the existence of such "organization" in the previous December.

H. C. Powers, sheriff of Noxubee and a brother of Governor Powers, testified:

"From the time I came into the county and during the time I was sheriff, from 1868 until the spring of 1871, we had what I call a very peaceful county. Nothing occurred in the nature of violent measures. In the spring of 1871, I think it was in April last, there were rumors of a band of disguised men traveling around at night in different neighborhoods."

Sheriff Chisholm, of Kemper, a bitter "scalawag," testified that his county had been quiet and entirely free from murders "since the readmission of the State."

Finis H. Little, a Monroe County carpetbagger, testifying July 29, was positive that "the outrages had occurred in the past six or eight months." There had been but one outrage by masked men before October, 1870."

The attempted Ku Kluxing of R. W. Flournoy furnished a strong and a most significant refutation of the political conspiracy theory. Flournoy is described in the testimony of the

radical attorney-general, Morris, as "the editor of the most violent Republican paper in the State." He was an insistent and offensive advocate of "equality," and quarrelled furiously with Governor Alcorn because he would not order negroes to be admitted to the State University. There was not an issue of his paper that did not teem with abusive attacks upon the Democrats, or white people of the State, for not embracing radicalism. After the Ku Klux broke up the schools in Pontotoc, his paper, called *Equal Rights*, was devoted to denouncing the Klan. And on the night of May 12th a band rode into the little town of Pontotoc inquiring for Flournoy's home. Chancellor Pollard was in the town, it being court week. What followed is told in his evidence:

"I had been hunting with some friends. We afterwards met at the courthouse, four of us, playing a game of euchre. A resident of the town came and told us the 'Ku Klux are here.' The party dispersed and armed. Flournoy was sent for. * * * Soon after I saw them, not less than nor more than twenty, disguised, on horses. I stepped out and said: 'Gentlemen, if your mission is one of peace and pleasantry you will not be molested. If on the other hand, you are here for bloodshed, in the name and by order of the laws of Mississippi, I demand you surrender.' Almost instantly a pistol shot was fired from the crowd of disguised men. Very soon another pistol shot was fired and I heard a voice from another street commanding them to halt. And then another pistol was fired, and then the firing became general on both sides. I think there were about thirty shots fired in all on both sides. One of the disguised men was left in the street wounded, who died about sunrise. A large public meeting was held the Saturday after, to frown down Ku Kluxism."

In his further testimony Chancellor Pollard was asked the question, "Had there been any previous Ku Klux demonstrations in that county?" He replied, "None that I know of or heard of, except this one."

¶ The chief significance of this fray is that the white men of Pontotoc, Democrats, readily and resolutely responded to the call of Chancellor Pollard, as a posse to confront and disperse the Ku Klux, who were after punishing an odious white superintendent of the public schools. On the information conveyed in the dying statement of the wounded Ku Klux a number of arrests were made by the United States military, one of them, and a ring leader, being a Republican justice of the peace and an Alcorn appointee.

District Attorney Wells contradicted his political conspiracy theory in the following:

"The uniform feeling and sentiment of those people of the Ku Klux sympathizers is that this common school system is not to be put in operation; that the colored folks ought to be able to take care of their own children; that the people ought not to be taxed to educate them. I believe that in many counties many of their raids and whippings have been principally aimed at school houses and school teachers, to drive away the teachers and break up the schools."

Cornelius McBride, carpetbag negro school teacher in Chickasaw, and a Ku Klux victim, told the common story as to the date when the Ku Klux first appeared in Northeast Mississippi. Having disregarded notices to close his school, he was visited, as he states, "between 12 and 1 o'clock on Thursday night of the last week in March, 1871." He was severely whipped and made to leave. He carried his wrongs to Governor Alcorn, who sent him to U. S. District Attorney Wells. With the U. S. Marshal and some files of soldiers he overran Chickasaw County in pursuit of Ku Klux. He returned to Oxford and served on the grand jury. He proved a fluent witness before the committee. But he, too, affirmed that "the objection is to the free schools. In some counties it is to all, in others to only the colored schools. Educating the colored people is the great cause of objection. The great opposition to it is because it is 'a darned radical free school system.' That is the way they speak of it."

The committee's star witness, A. P. Huggins, County Superintendent of Education of Monroe County, a carpetbagger of the extreme type and a Ku Klux victim, definitely fixed the "first Ku Klux outrage in our section" in the lynching of two negroes named Flint. They were killed after being taken from jail, where they and their father were held for a murderous assault on their landlord. While Huggins dated the affair in August, Flint, the father, and other witnesses fixed it definitely October 13, 1870. It was a purely personal matter. Huggins further testified that "our real tribulations with the Ku Klux began in February, 1871." He said: "I never saw a more quiet election in the North than that of 1869. * * * There never was a more untrammeled vote." At this time Huggins was sheriff, also bureau agent, also district internal revenue collector. Speaking of the subsequent period he said: "There was more excitement about the school tax than any other question."

The committee majority report testified to the fact that the rise of the Ku Klux in Mississippi was in the fall of 1870, when

there was no election pending and no political excitement in the State. It reads: "During 1868 (1869?) and the first part of 1870 comparative peace and security prevailed." The report, as already quoted, also testifies to the truth of the claim that the school law and its administration was the chief cause of the trouble.

Testimony is just as abundant that the design of the Enforcement Act and its administration was party effect, and not as stated in the President's message asking its adoption, "to effectually secure life, liberty and property." "A prominent Republican" published a communication in the *New York Tribune*, which was approvingly reproduced in the radical organ at Jackson, August 1, 1871. It said:

"The Republicans are confident of carrying Mississippi. They have been greatly encouraged by learning that United States troops are to be sent to aid the United States marshal and deputies in making arrests under a large number of indictments found."

How little troops were needed in this campaign is to be read in the testimony, November 18th, of Captain Rose, U. S. A., commanding the post at Aberdeen, who said:

"After the middle of May there were no more reports of disturbances except one. In this case a negro charged with murdering a white man who had caught him stealing hogs, was taken by disguised men from the constables and killed."

In truth the Ku Klux outrages were completely overshadowed by the far graver outrages inflicted in their suppression. The law and its execution are thus truthfully and clearly stated in the life of L. Q. C. Lamar, by Hon. E. Mayes:

"In April, 1871, Congress made these offenses punishable in the Federal Courts, and authorized the President to suspend the writ of *habeas corpus* when necessary to the preservation of order. Apart from the constitutionality of the law itself, had these measures been wisely and humanely employed to suppress the evil it would have been well enough; but the tremendous enginey put in operation was managed by the same reckless and unscrupulous class of aliens, carpetbaggers and scalawags, already described. In many of the judicial districts, instead of using it for the maintenance of good order, it was used to rivet still further the shackles upon the people by establishing the radicals in power. It was distorted into an instrument for gratifying private enmities and grudges. It was prostituted into a money making machine by hordes of profigate deputy marshals who spied out the land and worked up prosecutions yielding enormous costs. Witnesses found out that the heavy per diem fees and the large mileage allowed realized pretty sums, and they were not

lacking. It was not an unknown thing for witnesses to be summoned to the seat of a court from long distances under subpoenas which held them from term to term, even during the vacations; and so they were able to draw per diem compensation during the whole period, while at the same time hiring out for wages in the usual manner. The courts were thronged with poor people who had been dragged from their homes under groundless charges, with their women and children along as witnesses on expenses; and vacant lots in the court towns were frequently covered with the tents which sheltered them. What approval the good people of the State would have felt for a proper administration of the law was lost in a sense of outrage at beholding a widespread and relentless persecution, conducted to a great extent by men who were well known to be of the most desperate and lawless character under pretense of loyalty to the government. No adequate description can be given of the *diablerie* which was carried on by the rulers."

Having resigned a professorship in the State University the year before because of the appointment of a radical tainted Board of Trustees, Mr. Lamar was then living in retirement from public life in Oxford, where the prosecutions under the Ku Klux law were being made. His great heart wrung with anguish at the sight of the wrong inflicted upon the people, he wrote in a letter to a friend, "We are grievously persecuted under the Ku Klux law."

It was at this time that Horace Greeley made his Southern tour, and the historic speech on his return to New York, containing the memorable passage:

"The carpetbaggers are a mournful fact, and I have seen them—a thieving gang, fellows who crawled down South in the track of our armies at a very safe distance in the rear on a sutler's wagon. They now stand in the public eye, stealing and plundering, with both arms around the negroes, and hands in their rear pockets seeing if they cannot pick a paltry dollar out of them."

His Southern trip opened Mr. Greeley's eyes to the truth and the iniquities of reconstruction. And it was in Mississippi that he derived his object-lesson in part, some of his teachers being lodged in Vicksburg and Natchez, where he stopped. In an address in the latter place he raised a howl of wrath from the negroes, who had flocked to hear one of the abolition old guard. Among other things he said:

"It would have been better had the suffrage been bestowed on the negroes more gradually. And there should be an educational qualification."

At Vicksburg, where he spoke June 1, 1871, he said:

"On this classic ground I pledge myself to use my utmost efforts for the accomplishment of the highest good of all American people."

Afterwards, passing through Louisville, he said in a speech, "Mississippi is in a deplorable condition."

Writing home while on a visit to the South, Mrs. Henry Ward Beecher bore like testimony to the true cause of Southern "outrages." She said in this letter:

"I declare to you before God that if the ruling powers will keep carpet-baggers away and refrain from sending politicians down here to rekindle the fires of dissension for their own base ends, there will be no trouble with the Ku Klux."

More conclusively than all other proof of partisan and fee hunting motives and purposes of the Ku Klux law and the prosecutions under it, is the fact that of all the hundreds of arrests and indictments there were no jury convictions, and no claim of earning the \$5,000 reward offered in Governor Alcorn's proclamation for any arrest and conviction of a Ku Klux. As an illustration of hundreds of proceedings by the United States commissioners and deputy marshals in their zeal for fees, the case of fifteen citizens of Neshoba County is referred to. They were arrested and carried to Jackson under a commissioner's warrant which charged them with "banding together for the purpose of preventing one Sarah Barfield from exercising her rights by civil law and for the purpose of breaking up the Federal government." The specification to this charge was that in a trial growing out of a personal fray between two women, one of them, the daughter of a radical local functionary, these "Ku Klux" had sworn they would not believe the plaintiff on oath. And that was charged to be "breaking up the Federal government." The following from the *Columbus Index* reflects the tactics of the Ku Klux histories:

"The movement of United States troops in the county west of Columbus is occasioning great anxiety among the people. For an assault upon a young negro, who had threatened his life, by a young white man, who immediately fled the State, a squad of soldiers has been quartered on the people of West Point. A company of soldiers under the infamous Huggins raided into Oktibbeha last Monday for the purpose of rearresting the Ku Klux prisoners who had been released at Holly Springs under bond. Near Starkville they entered the residence of Mr. James Bell, intruding into the room of his sick wife, examining the bed, frightening and insulting his family, under the pretense of hunting for Mr. Bell, who was not at home. The next night they started again to Oktibbeha,

marching with stealthiness as if going through an enemy's country, where any constable can arrest any or all of the bonded prisoners and deliver them at any designated place. Here we find this wretch Huggins, an enemy to the people, prowling over the country at night time with a band of soldiers at whose hands the people are constantly dreading violence. It is enough to drive people to desperation. The State of Mississippi can never forgive Governor Alcorn for sanctioning such war upon the people of the State, and all in the interest of the Republican party."

Governor Alcorn's "sanction" and aid was a defensive testimonial of partisan zeal which was called for by the exigencies of his strained relations with the Ames carpetbag faction, which was bent on his destruction. He was involved in bitter strife with the publishers of the party organ, whom he removed, appointing those on whose devotion he could rely, to the lucrative job. He was assailed by the *Pilot*, the Ames organ, with the accusation of "trying to sell out the party." Opposing the endorsement of his administration by the party convention, which was called for September 1st, it charged:

"We have the statistics from all over the State which will show how fearfully we have been sold out. The numbers of Democrats, old line Whigs, and Alcorn men appointed to office are conclusive evidence of the treason to Republican principles Alcorn has practiced."

The Governor met such assaults in two ways. First, the mutineers were quelled by removals and threats of removal from office. Second, he gave fresh proof of his fidelity "to Republican principles," by his Ku Klux proclamation, and by repelling approaches toward fusions with Democrats in the white counties. The following is from a letter by his private secretary to the circuit clerk of Lincoln County, dated August 8, 1871:

"Sir, I am directed by the Governor to inform you he is in receipt of information that you have received the Democratic nomination for your re-election. Regarding as the Governor does, the triumph of the Democratic party as imperiling the peace and happiness of the State, and threatening as it would the return of Mississippi to the government of the bayonet, etc. * * * If this report be true the Governor requests that you at once forward your resignation."

The resignation not being received this official was incontinently removed.

In his testimony before the congressional sub-committee, District Attorney Wells had announced a revival of the activities of the Ku Klux organizations; that "the authorities were being overpowered in every direction." This was, in fact, his way

of announcing that his deputies were in the field, backed by U. S. troops, preparing for his next term of court and crop of fees. It was the same old story—every local fray or grudge was seized upon as a Ku Klux outrage. A white man, Mr. Garrett, a citizen of Monroe County, was shot and fatally wounded while passing through the woods of his farm. He recognized the negro who shot him. When arrested this man confessed to the crime. He said he had just killed a hog when Mr. Garrett appeared near him. Thinking he had been detected he fired the fatal shot. In fact he had not been seen until then. It was proposed by a crowd, white and black, to lynch the murderer. After much trouble a Mr. Lagroune and others prevailed against this design. Upon a magistrate's warrant he and two other men took the negro and started to Aberdeen with him. Under a change of mind the mob pursued the party and lynched the negro. Whereupon the three men who had tried to save him were arrested under the Ku Klux act and carried to Oxford.

The *Macon Beacon* of October 9th reported the arrest of several citizens, including the editor of the paper, by United States Marshal Pierce for "violating the Enforcement Act." The specifications were "for tarring and feathering one Dunn, a semi-vagrant who had quartered himself on the colored citizens. The parties arrested were allowed to give bond for their appearance at the United States Court."

The *Holly Springs Reporter* noted the arrest of two women in Tippah County by a deputy U. S. marshal, with a detachment of troops, for making Ku Klux suits. They were brought to Holly Springs with five negro witnesses. These were specimen cases of Wells' Ku Klux. The hunt broadened all over Northeast Mississippi. The sight of deputy marshals and soldiers going forth after and returning with their parties of victims, the terrifying stories they told, demoralized the people. At the November court the Marshall County grand jury investigated Ku Klux rumors thoroughly for the purpose of allaying negro fears of the Klan. It was proved to them and reported to the court, presided over by a radical judge, that the reports alarming the timid and ignorant were wholly groundless.

In July, 1871, inspired by partisanship and greed to emulate G. Wiley Wells in the Northern District, U. S. District Attorney

Jacobson of the Southern District opened up a Ku Klux campaign. He began on Meridian, with the riot for his ground of action. The United States Marshal of the district, Shaughnessey, had succeeded E. A. Peyton, who had been removed and was under indictment for embezzlement. Shaughnessey was supplied with troops and with two deputy marshals, on the order of Wissler and Reed, named Gainey and Esquiral, made over a hundred arrests in Lauderdale, Newton and Neshoba. There was not even a tracing of Ku Klux disorders in these counties. Newton County was in a disordered condition over the crimes of its county officers. The clerk of the courts, C. L. Swann, was being legally proceeded against for fraudulent practices by citizens of the county, upon whom he had retaliated by swearing out warrants as Ku Klux. The sheriff of the county had decamped with the county funds. His deputy and two minor county officials were under arrest and appearance bonds for preliminary trial. They went to Jackson and returned with Deputy Marshal Gainey and a squad of cavalry, who arrested the magistrate and twenty-odd citizens under the Ku Klux Act, taking them to Jackson, where they were bound over to appear before the Federal Court. The *Meridian Mercury* of August 8th had the following:

"We had mention in our Saturday issue that a deputy United States Marshal, with a squad of cavalry, was seen leaving town, and predicted they were going to make arrests somewhere. We now know that this war party invaded Neshoba. They returned here at noon to-day, bringing in nine citizens of that county. They are charged with violating the Enforcement Act against one Sarah Barfield, old Dr. Tyner's daughter, who has before now figured in similar Ku Klux prosecutions. Tyner is a Grant man, and this is his way of canvassing Neshoba."

Court met in Jackson in December, 1871. As at Oxford, the grand jury was selected and assorted for indictments, of which one hundred and fifty were found. Also, as at Oxford, leading and able members of the bar appeared for the defense. After much sparring two of the Meridian rioters, one being Deputy Sheriff Belk, were selected as test cases. There was dissatisfaction on the part of Jacobson with the jury and he moved to quash the venire. His motion was granted, but not until he was forced to admit by Gen. T. J. Wharton that he had conferred with the marshal, and advised him not to select men

"hostile to the government," that is, Democrats. The court was a prolonged one, and while it was in session its purlieus presented a rare spectacle. Jacobson was not the adept at the trade that Wells was, and instead of resting his prosecutions on a few experts, he had hundreds of negro witnesses camped around the courthouse and swarming in its halls and area ways. There were over 300, and the marshal's fund was exhausted in paying them. It was estimated that \$20,000 was paid out in witness fees. The two test case subjects were convicted by the expurgated jury. Their counsel, Gen. T. J. Wharton and Judge Potter, urged them to appeal and threw up the case when their advice was rejected. It was so plain, however, that the administration was behind the prosecution, that the prisoners were intimidated into submission.

Mistaking the opportunity, the Alabama negro, Adam Kennard, who had been Ku Kluxed at Meridian a year before by the white radical Price and a band of negroes, went to Jackson to have them indicted. The *Meridian Mercury* thus tells of what followed:

"What do you think befell Adam Kennard, out at Jackson, where he went to help the government put down the Ku Klux? It's so funny! Hold your sides, it's coming: they put him in jail. What did they put Adam in jail for? I'll tell you. Because it is against the policy of the government, in the wild hunt for Ku Klux, to find any black ones. Jacobson knows, and has known about this case for months. But Jacobson also knows the wish of his master, and so when Adam comes looking for justice he gives him a cell."

And there Adam lay until court adjourned.

His Ku Klux activities did not prevent District Attorney Wells from taking part in the State canvass. He was one of the speakers at a negro meeting in DeSoto, which was thus spoken of by the *DeSoto Times*:

“Their theme was the denunciation of every white man, woman and child in the State. They advised the negroes to demand every right the white man enjoyed, and that they dare not be refused because the whole power of the government was at their back to enforce their demands.”

District Attorney Jacobson was also busy in campaign services as President of the Capital Grant Club. A. P. Huggins, internal revenue assessor, county school superintendent and U. S. deputy marshal, was candidate for and elected to the Legislature from Monroe County.

President Grant's message to Congress, December, 1871, contained the long deferred recommendation of a bill of "general amnesty," and removal of the political disabilities prescribed in the 14th amendment. It was qualified by the proposition that Congress might, in its judgment, "exclude any great criminals from the terms of the act." Brought forward limping and grudgingly, seven years after the close of the war, grateful appreciation would have been small had the bill been passed promptly. It was on the contrary bitterly opposed by radical Senators—their leader, Senator Morton, denouncing it as "in-human and immoral—an admission of the innocence of the rebellion." It was saddled with a civil rights amendment which delayed passage until the end of the session. When finally enacted there was a large class of the most prominent, patriotic and popular citizens of the South "excluded as great criminals." The commissioner of pensions issued a circular arbitrarily overruling the general implication of the act that Southern soldiers in previous wars of the United States were entitled to pensions. Even had these harsh features been wanting, the tenor and terms of the amnesty would have been completely overshadowed and obscured by the dread of continuing the Ku Klux law, and the passage of the civil rights bill. At this time the persecutions for violations of the former were in full blast in Mississippi and South Carolina. In a report of January 13th General Emory, who commanded the troops in the Department of the Gulf, stated that he had sent additional troops (cavalry) to Mississippi, in response to requests of the United States Marshals and District Attorneys, to assist in arresting persons charged with violations of the Enforcement Act of 1871. He stated that he had investigated affairs in Mississippi, and in granting the request for more troops he had been actuated by "the principle that prevention was better than military intervention in civil affairs." And that "the hostility of the people was not against the United States government, but the State government which is odious beyond expression, and I fear justly so."

In his message to the Legislature when it met in January, 1872, Governor Powers thus opened his discussion of State affairs:

"It is a source of gratification to me to be able to inform you that the state of the government is peace. Since the adjournment of the last Legislature there have been no riots or disturbances which the civil authorities have not been able to promptly suppress. The elections in November, although preceded by an exciting canvass, was attended by no demonstrations of violence, and the will of the people, as expressed at the ballot box, has been generally acquiesced in without murmur. The armed organization of masked marauders which twelve months ago threatened to override law and paralyze industry in a few of the eastern counties, through the combined efforts of the good citizens of those sections, aided by the officials of the Federal and State governments, have been entirely suppressed."

This was in marked contrast with the Wells testimony, the Ku Klux hunt he was carrying on.

The truthful color of the Mississippi conditions, given by Governor Powers and General Emory, did not conform to the policy of the administration nor the purposes of the fee hunting officers of the Federal Courts. Conformity was, however, soon established. March 6th General Emory forwarded a letter to the war department from Lieutenant King, aide-de-camp, saying:

"Great lawlessness exists throughout the entire State of Mississippi, but it all cannot be ascribed to the Ku Klux organization, as the trial of several prominent members of the gang and their confinement in the post guard house has done much toward their disbandment. Nevertheless there is a bitter, resentful spirit in every portion of the State against the Federal Government, and there can be no doubt that when unsupported by regular troops the authorities are defied and their lives are threatened by desperadoes they are constantly called on to arrest."

United States Marshals Pierce and Shaughnessey and District Attorney Wiley Wells are given as authority for these statements. In a letter of March 8th General Emory says:

"Last month I went to Jackson to see Governor Powers, who had sent me various communications asking for troops. I am perfectly satisfied from that visit these representations are well founded, and there is need of more cavalry in that State. And acting on the principle that prevention is better than intervention, I request one more company of cavalry to be posted in Mississippi. To avoid all legal complications it has been arranged between the Governor and the U. S. Marshal of the Northern District, between whom there is the best understanding, that all requisitions shall be made by civil officers of the United States, and I feel confident I shall be able by timely use of troops to maintain order without collision."

As General Emory visited Jackson during court, while the spectacle of a great outrage on hundreds of honest and unoffending citizens was being displayed, his impressions of the need of

troops were natural. Naturally the air was full of the bitter and resentful spirit toward the authors and the agents of a monstrous wrong. Governor Powers was easily swayed by others. What he said to General Emory and the countenance he gave to the raids of Wells and Jacobson was not consistent with other of his expressions. In a speech in the Senate May 21, 1872, Governor Alcorn quoted a letter he had from him, dated May 15th, saying that "the condition of the State was peace throughout all her borders." Governor Alcorn also said, "all the acts of violence are ascribed to the Ku Klux, but no prisoner caught in disguise, I am ready to confess, was punished while I was Governor, by the State courts, and none have been punished by the Federal Court."

All through the first half of 1872, until the summer Federal Court term was held, the Ku Klux persecutions were kept up, to the enrichment of Wells and Jacobson and the other court officials. In the Southern District, however, the crop of outrages was small by comparison with the Northern. The field of operations was restricted to Lauderdale and Newton Counties. The circumstances of these disorders have been narrated. In settlement of the prosecutions against them, fifty citizens of the two counties plead guilty at the summer, 1872, term of the Federal Court. The minimum fine and costs were imposed and they were released. The most of the fifty were prosecuted for their share in the Meridian riot, which even the partisan congressional committee did not charge as a violation of the Enforcement Act. The travesty of the indictment of one hundred and fifty men, in the Jackson court, is in the fact that not one of them all suffered a day of imprisonment, the only man so punished was the negro Adam Kennard, a *bona fide* Ku Klux victim. In the passage quoted from Mayes' *Life of Lamar* it is shown how the mainspring of fees moved, in unison with the Republican party's campaign need of a "Ku Klux conspiracy." But for this incentive of greed for fees, the act would have been an insignificant one in Mississippi. The local disorders, distorted into a Ku Klux conspiracy, would have died under the frown of public opinion, and the exercise of local authority. The Klan would have lacked the sympathy which was forced through the repugnance aroused by the Federal inquisition into

local disorders; the persecution of many innocent people for the profit of a gang of corrupt officials.

In his final Ku Klux report to the Attorney-General, District Attorney Wells claimed to have secured indictments against 678 Enforcement Act violators. Of these 230 were "disposed of" —446 having been convicted. This read well as a campaign document, but the impression conveyed was wholly false. There were no jury convictions. Indictments which were found out by wholesale were satisfied upon pleas of guilty, or *nolo contendere*, under agreements negotiated outside of court of release upon payment of nominal fines, fees and costs. The fee of the District Attorney was twenty dollars in each case. After a lecture from the court and bond for future good behavior, the prisoners were released. Attorneys for the defendants knowing they were playing against loaded dice, that the juries were organized to convict, and that suborned witnesses were at hand, advised their clients to enter such pleas, regardless of the question of guilt or innocence. Judge A. A. Hill was severely criticised for allowing such prostitution of the court. While this was censurable there was extenuation. In the first place Judge Hill was not a man to battle for a cause. But he possessed a kindly heart. Throughout the Ku Klux period he sought to ameliorate wrongs he was not brave enough to grapple with. And by a policy of placation he averted the cruel oppressions that were inflicted in the Carolinas, where hundreds of men convicted as Ku Klux suffered in jail, and many served terms in Northern penitentiaries. There is no doubt, besides, that had Judge Hill arraigned the officers of his court for their corrupt and tyrannical practices, he would have been made to give place for a worse. As it was upon complaints that Judge Hill lacked zeal in the cause Ames sought to have him removed.

District Attorney Wells was ably assisted in his campaign against the Ku Klux by the foreman of the grand jury, Internal Revenue Collector Emory. The two had been intimately associated, Wells having been promoted to his position from a clerkship in Emory's office. A department inspector having reported the internal revenue collector short forty or fifty thousand dollars, he was removed from office. There was an attempt to saddle the theft on an absconded subordinate whose escape the

Holly Springs Reporter accused Wells of conniving in. An indictment was due Emory at the Ku Klux court term. But being needed by the government he was appointed foreman of the grand jury instead, and with Wells ran the campaign. Abuses of the law multiplied and became more flagrant. With the example of their superiors to inspire them the deputy marshals did business upon their own volition. They obtained warrants from United States commissioners equally as rascally and irresponsible as themselves, earning mileage and fees for batches of citizens arrested on all manner of frivolous charges. Their malpractices were too much like killing the goose that laid golden eggs for Wells and Jacobson to be tolerated. One deputy was indicted upon the affidavit of a victim that he had been arrested and released, on payment of a fine of \$100, the deputy constituting himself judge and jury. To put a stop to such usurpations of the prerogatives of the robbers by authority, Judge Hill ordered that no warrants should be issued unless approved by United States District Attorneys. Unfortunately this order was not made until just before the expiration of the time limitation of the law. The bill for extending its operations passed the Senate, but failed in the House, in spite of the utmost efforts of the administration. And with the expiration of the Ku Klux law and hunts, disappeared the Ku Klux "outrages." But they had served their dual purpose, the enrichment of the court officials and the provision of campaign ammunition.

Garner's *Reconstruction in Mississippi* contains the following perverted view of the Ku Klux in Mississippi:

"It was not, however, until the readmission of the State to the Union that the Ku Klux disturbances became alarming and threatened to subvert the peace and order of the State. The passing of the freedmen's bureau, in 1869, with its officials in every community and the withdrawal of a majority of the troops removed a restraint which had to a great extent curbed the lawless spirit."

That there is nothing in the facts to justify the statement that "Ku Klux disturbances threatened to subvert the peace and order of the State," or that there was any prevalence of lawlessness in the State in 1868 or 1869, in fact not until February, 1871, a year after "the State's readmission;" quotations from the testimony of witnesses before the congressional committee proves. Except for a few months immediately after the war,

there was nothing in the action or the attitude of the people of the State deserving to be characterized as a "lawless spirit." In strict truth the people of the State were too intelligent to indulge in or tolerate lawlessness—their responsibilities and necessities, moreover, compelled the duty of law and order. While Governor Alcorn expressed his "apprehension of an organized resistance to law," he specifically limited the disorders; he said that "a class of lawlessness the most violent proceeds in a few quarters in the person of the masked assassin." Speaking of a tabulated list of murders in a group of twenty counties, in which Holmes, which was not in the "masked assassin" list, led all the rest, he said "the crimes do not represent any organized opposition to the law."

In the excitement of the election of 1867 and 1868, the troops were often "a restraint curbing" the turbulence of the negroes—they were never so regarded by the whites. There was some misuse of them while Ames was military Governor. But as a rule, if not invariably, the sentiment of the troops, and especially the non-commissioned officers and privates, was hostile to the negro. Sometimes, particularly in supporting the United States deputy marshals in their round-ups of Ku Klux, in 1871, they were used as a menace to the whites who were not "lawless." But as a rule their presence was acceptable to the whites and resented by the radical leaders and the negro masses.

As to the freedmen's bureau and its influence as "a curb" on lawlessness, the institution had faded into *innocuous desuetude* before its formal passing. It was inimical in design and operation to the Southern white people. It was created and, as a rule, operated under the theory that all slave owners were oppressors and wrongdoers, and that the bureau agents were expected to protect the negroes from oppression and wrong. Under this theory there was inevitably more stimulation than restraint of lawlessness and discontent. Some officials honestly sought to deal justly with all and allay distrust and unrest. These were the exceptions among the local agents. Memory of the writer and the newspaper files of the period sustain the truth of the following, from the minority committee's report:

"Under the workings of the reconstruction and freedmen's bureau acts the foundation of social and political order were uprooted and overturned.

The former slave became the master and the former master became the slave, the elector the lawmaker and the ostensible ruler. The agents of the freedmen's bureau were, as we have shown before, generally of a class of favorites without character or responsibility, and were selected as fit instruments to execute the partisan and unconstitutional behests of a most unscrupulous head. Thus the negroes were organized into secret political societies known as Loyal Leagues, in which they were taught that their former owners were their worst enemies, and that to act with them politically would certainly result in their re-instatement. A regulation of this bureau required all agreements for service between whites and blacks to be signed and witnessed and left in the custody of the agent. It was a common practice, after a planter or farmer had contracted with the freedman for a year, had his crops planted and in process of cultivation, that the negro laborer would strike for higher wages. Nothing but instructions of the bureau agent could induce them to return, and that inducement could only be effected by their employer paying to the agent from ten to twenty dollars per head. This sum was simply the perquisite of the agent, and when paid the negro always returned, though without additional compensation. It was frequently the case that the same planter or farmer would have to compensate the bureau agent from two to three times during one year, or lose his crop. This system of infamous blackmailing produced no little irritation and frequently the planter's bankruptcy. The bureau agents had authority to order the arrest of and imprisonment of any citizen on the single statement of any vicious negro, and if resistance was made to the agent's mandate the post commandant was ready to enforce it with a file of bayonets."

In some of the Southern States the real Ku Klux outrages extended over a wider area and prevailed for a longer period than in Mississippi. But in all they were restricted to a comparatively few counties and soon ran their evil and misguided course. This any fair reading of the evidence taken proves. In no State did the truth in any sense or degree warrant the committee's majority conclusion:

"That all the ills of the Southern condition, the lawlessness, the intimidation, the violence, the increased expenses, the diminishing resources and depressed credit, the keeping out of capital, the lowering of land values, are the effects of a conspiracy formed before reconstruction. The organizers and managers of the conspiracy, known as the Ku Klux Klan, or invisible empire of the South which has produced these effects must have anticipated them before they occurred, and understood them while they were transpiring. These leaders are men of high intelligence, and they must have intended the results they produced. Their purpose must have been to close the South against Northern men and capital; to hold the freedmen helpless and dependent; to govern the States and finally the country, and thus recover what they valued more than all else—property in slaves and political power."

All reason and all proof of circumstance refutes this wickedly false perversion of the facts. The calumny has perished, leaving nothing but a record of the revolting baseness of reconstruction,

the incredible infamy of a party that was capable of bolstering up a failing policy by nourishing the hostility of the powerful and prosperous North against the prostrate and impoverished South, through such falsehoods. No consideration was given, no thought taken, by the radical leaders of the sad state to which the war had reduced the Southern people. Their hardships and humiliations excited no compunction and prompted no justice—no conquered country was ever placed so completely beyond the pale of fair and generous treatment. The committee minority thus stated their view, the true one, of the Southern situation:

"The atrocious measures by which millions of white people have been put at the mercy of the semi-barbarous negroes of the South, and the vilest white people of the North and South, leaders of the black hordes, are now sought to be justified by defaming the people upon whom this unspeakable outrage had been committed. * * * While we do not deny that bodies of disguised men have, in several of the States of the South, been guilty of the most flagrant crimes, crimes which we neither seek to palliate nor excuse, we deny that these men have any general organization, or any political significance, or that their conduct is endorsed by any respectable number of the white people in any State; on the contrary, the men and the bands by which such outrages are perpetrated are almost universally regarded by the intelligent people as the worst enemies of the South, as they furnish the men now in power at Washington the only excuse to maintain war upon them, and to continue the system of robbery and oppression which they have inaugurated—a system which is destructive not only of their peace and prosperity, but is intended to blacken and malign their characters as men before the country and the world. We will show by testimony incontrovertible that in no one of the six States of North and South Carolina, Georgia, Alabama, Florida and Mississippi, has there at any time existed combinations of lawless men in one-tenth part of any one of said States. * * We do not fear successful contradiction when we say there never was a disguised band in over forty of the 420 counties of these six States, and we will show to all men not blinded by prejudice and passion that the Ku Klux bill and the proceedings thereunder are the gravest outrage, the foulest calumny ever perpetrated or circulated against a helpless people by their rulers."

A TRIP FROM HOUSTON TO JACKSON, MISS., IN 1845.

BY J. A. ORR.¹

There was a calm in the financial world following the crash brought about by what is known as the "flush times of Alabama and Mississippi." When one views the ocean after a terrible storm one sees here and there bits of wreckage and flotsam, marking the unseen graves of those who have perished there. So it was in Mississippi after the financial panic of 1837. There existed in various localities wrecks of what were magnificent structures before this awful financial storm.

The political year was full of excitement and interest. The Democratic convention met at Jackson on the 5th day of July, 1845, to nominate candidates for the State offices and for four Congressmen. As the State had not then been laid off into Congressional districts, our members of Congress were elected from the State at large. The Senatorial pot was also boiling, and the canvass had already opened, with Governor McNutt, General Foote, General Quitman, Roger Barton, and Gov. Joseph W. Matthews as aspirants for that honor.

For the office of attorney-general there was an array of talented young men, who afterward became distinguished, competing for the nomination. The incumbent was Gen. John D. Freeman. Opposing him were Wiley P. Harris, then of Monticello; Gen. D. C. Glenn, of Holly Springs; Frank Smith, of Canton, and Gen. W. S. Featherston, of Houston. Harris, Glenn and Featherston were each about twenty-five years of age, and three candidates for this office rarely ever presented a more youthful appearance. It was important for each candidate to have a numerous delegation from his own county. This will account, perhaps, for the fact that the writer, then only seventeen years of age, was one of the delegates from Chickasaw County. He is now (1906) the only surviving member of that convention.

¹A biographical sketch of the author of this contribution will be found in the *Publications of the Mississippi Historical Society*, Vol. VIII, p. 187.
—EDITOR.

It was before the days of railroads, and buggies and horseback were the only modes of conveyance to the seat of government. General Featherston and the writer left Houston in a buggy the latter part of June, General Featherston taking a circuitous route to see as many delegates to the convention as possible before their arrival at Jackson.

The first objective point was Grenada, where the Baptist State Convention was in session. One of the three persons making the deepest impression upon the writer's mind at that time was the Rev. Dr. Parr, whose eloquence thrilled his audience, and whose ability and captivating oratory, according to the youthful conception of the writer, has never in all the after years been surpassed. The other two were General Featherston and Miss Whitfield, of Aberdeen, as handsome a couple as ever walked up the aisle of the densely crowded church where Doctor Parr preached. The General was tall and looked every inch a man, and she was a lady of remarkable beauty and was greatly admired. Thereafter their paths in life separated; each married, left families, and have perhaps met in the spirit land.

From Grenada our journey led us to Lexington, Yazoo City and Canton, and then to the capital. To properly appreciate a narrative of this trip and the strange scenes witnessed along the road we must understand what had been the financial condition of the country previous to that time. There were banks with capital stocks which ran into the millions, and in which the people placed infinite trust. They were headed by men whose financial integrity was unquestioned; and yet, with all their money and strength, they were wrecked in the financial storm. Here is a list of these banks, and the careful observer will notice that their financial rating is not now surpassed in this great State, with its more than two hundred banks, having millions of capital, and with its increase of population and its unprecedented growth.

<i>Names of Banks.</i>	<i>Capital Stock.</i>
Agricultural Bank.....	\$4,212,000 00
Planters Bank	2,000,000 00
Commercial and Railroad Bank of Vicksburg.....	4,000,000 00
Grand Gulf Railroad and Banking Company.....	2,000,000 00
West Feliciana Railroad and Banking Company.....	1,000,000 00
Commercial Bank of Natchez.....	3,100,000 00
Commercial Bank of Manchester.....	2,000,000 00
Commercial Bank of Columbus.....	1,000,000 00

<i>Names of Banks.</i>	<i>Capital Stock.</i>
Commercial Bank of Rodney.....	\$ 800,000 00
Tombigbee Railroad Company.....	2,000,000 00
Mississippi and Alabama Railroad and Banking Company.....	4,000,000 00
Bank of Vicksburg.....	2,000,000 00
Bank of Grenada.....	1,000,000 00
Bank of Lexington.....	800,000 00
Bank of Port Gibson.....	1,000,000 00
Vicksburg Waterworks and Banking Company.....	500,000 00
Northern Bank of Mississippi.....	2,000,000 00
Hernando Railroad and Banking Company.....	1,000,000 00
Mississippi Railroad Company.....	8,000,000 00
Citizens Bank of Madison County.....	1,000,000 00
Bank of Mississippi.....	600,000 00
Mississippi Union Bank.....	15,500,000 00
Aberdeen and Pontotoc Banking Company.....	1,000,000 00
Benton and Manchester Banking Company.....	1,000,000 00
Branches of Agricultural and Planters Banks at Franklin and Tchula.....	1,000,000 00
Total amount of capital.....	\$62,512,000 00

It is a beautiful and fertile country through Holmes, Yazoo and Madison Counties, over which we traveled. Many plantations had been recently opened, and on some of them elegant residences had been erected. The owners had freely indorsed for each other in the banks, and hundreds of thousands of dollars had been invested in negroes, brought from Virginia and the Carolinas. When the storm broke over the banks the suits were so numerous in the courts that some of the lawyers had their declarations in *assumpsit* printed by the quire, leaving blanks only for the names of the debtor, creditor and the amounts. In each of these counties an immense number of judgments had been obtained and the aggregate indebtedness had run into millions. A great number of these plantations in 1845 were uncultivated. The fences had fallen down, the homes and outhouses were tenantless and bespoke widespread desolation. We learned the history of the times from the lawyers at Lexington, Yazoo City and Canton. With these General Featherston talked as to his candidacy before the coming convention. We were told that as a general thing on the evening before abandonment those large plantations would present no unusual appearance. The stock would be in the stables, properly attended to; the cows would be in the cowpen; the hogs would be called and fed; the sheep would be herded; the plantation negroes would be in their proper places, and over all the hush of evening and the stillness of night

would fall. On the morning following the smoke would curl from the chimneys, from residence and quarters, the cows would be lowing in the pen, the sheep bleating in the fold, the hogs in their place; not a wagon gone, not a vehicle missing; the meat left in the smokehouse, the poultry raising their usual disturbance—and not a human being, nor horse, nor mule, nor saddle, nor bridle on the whole place. Every negro, every horse, every mule spirited away in the darkness of the night—the negro women and children on horses and mules, the men on foot, all, all in a double-quick march for Texas, then a foreign government. The first object was to get across the county line, the next to cross the Mississippi River, and the next to cross the line of the Republic of Texas. All this had to be done before the executions could issue and be placed in the hands of the sheriffs of the different counties. Family carriages were left motionless to avoid creating any suspicion, the white families having taken their trips to neighboring towns, where the stage lines would convey them to points of safety—generally steamboat landings on the Mississippi—on their way to Texas. Even in the city of Columbus there remain on file in the circuit clerk's office printed declarations, containing not only the names of the plaintiff's banks, but in some cases the names of the defendants. This will convey an idea of the immense indebtedness to the banks of the country and of the universality of endorsements and personal securities. The immovable property was all that the executions could reach. After this came hundreds of suits by holders of bank notes.

When we arrived at Jackson the saloons in the city and the hotels were crowded with anxious politicians and statesmen and their friends. Governor A. G. Brown had no opposition for a re-nomination for a second term as governor. The most active canvass for any of the State offices was made by the friends of the candidates for attorney-general. Wiley P. Harris, Featherston and Frank Smith were defeated by a coalition between the friends of Freeman and Glenn, by which Freeman was re-nominated for a second term and Glenn came in as the nominee four years thereafter and served for eight years in that office with distinguished ability. He was a beautiful speaker, elegant, graceful and eloquent.

The most intense feeling was developed in the convention between the friends of Jefferson Davis and of Doctor Gwinn. It was the policy of the party to preserve harmony by nominating candidates with reference to geographical position. The State was entitled to four members of Congress, and they were taken from the four different sections of the State. In the northwest Jacob Thompson had no opposition for re-nomination. Judge Stephen Adams, of Monroe, and Col. Geo. H. Young, of Lowndes, were the candidates from the northeastern district. They were men of different types of character. Young was a man of courtly and princely manners, refined, cultivated, hightoned, an aristocrat by birth. He was a type—of whom we had hundreds throughout the South—misunderstood and not appreciated by the Northern people either before or since the great war of secession. A grander, nobler type of citizenship never lived in any government or country. They knew that they belonged to the master race. Their selfishness and their keen sense of honor united to make them brave, discreet and conscientious, and they were never surpassed in the qualities by the bravest Roman or the noblest Briton. The value of the negro appealed to the selfishness of the owner for his protection. Healthful food, good clothing, prompt medical attention, moderate work were essential factors in maintaining his money value to the owner. A knowledge of superiority, the right to dominate the will of the slave, the power to enforce absolute obedience carried in the minds of such men as Geo. H. Young a high sense of moral responsibility. It was a very rare thing that a church was erected without a gallery for the accommodation of the negroes, and in many localities the Sabbath was far better observed than it is at the present time by either our white or our black population.

Judge Adams was a "self-made" man. He was of humble origin and of moderate literary attainments. He was a man of integrity, full of energy, had won his way to a circuit judgeship, and was emphatically "one of the boys." He was nominated, elected, and afterwards sent to the United States Senate.

Robert W. Roberts, known as the "War Horse of the Piney Woods," had no opposition from his section of the State.

The contest became bitter in the southwestern section. Davis and Gwinn were from Warren County, and the fight was between two rival factions. Gwinn was a man of fine ability, and had previously been much more intimately connected with the politicians of the State than Davis. But this had also caused Gwinn to make many antagonists. The nomination was not made until the second day of the convention. On the night before the city of Jackson was placarded with a violent assault on Doctor Gwinn, in which, among other things, he was charged with having been instrumental in the killing of Doctor Hagan, the influential editor of the *Vicksburg Sentinel*. Vicksburg had been a bloody city, and Hagan had many friends throughout the State. The contest was close, but Davis was nominated.

The people of Mississippi, after the adjournment of that convention, were entertained with political discussions between the ablest representatives of the Democratic and Whig parties in the State. At the election just preceding the one in 1845 the presidential contest between Polk and Clay was earnest and close and at the election preceding that the State went for General Harrison, the Whig candidate. Davis canvassed the entire State, and established a reputation as an orator inferior to none except Prentiss, and that reputation he sustained in the United States Senate.

The people became greatly interested in the memorable contest between McNutt and Foote for the United States Senate. They were attendants on the convention in Jackson in July, their canvass having already opened. Dense crowds gathered wherever they had an appointment to speak. The candidates were personal enemies. McNutt would never notice Foote, would not divide time with him, and silently treated him with profound contempt. He would open his speech at 11 o'clock and speak until 3, gather up his papers and leave without alluding to Foote in any way or paying the slightest attention to him. The rest of the time would be occupied by Foote. The country audiences would go home in the dark.

THE PRESIDENTIAL CAMPAIGN OF 1844 IN MISSISSIPPI.

BY JAMES ELLIOTT WALMSLEY.¹

There is a striking, even if superficial, resemblance between the period of National politics from 1836 to 1852 and that from 1840 to 1896. In both periods there was the rhythmic swing of success and failure, and each period was distinguished by the prominence of a brilliant defeated candidate. James G. Blaine always believed that his course was a repetition of the fatality attending Henry Clay, that in 1844, as in 1884, the favorite of the party, after missing the nomination when the party was in a winning position, had been nominated only to meet defeat.

After the dissolution of the Federalist party in the time of Monroe, factional fights had begun at once between the leaders of the Republican party, but there was no formal division of the voters into parties until 1832, when the "Jackson men" met a determined opposition. It was impossible to defeat the popular hero of Chalmette at this election, and his personal and official influence largely assisted in putting into office Van Buren. But in 1840 a well organized Whig movement carried into office Harrison and Tyler. In this, as in all Presidential elections before the war, with the exception of 1848, Mississippi obeyed the impulse which swept over the whole country. The State had not yet become fixed in its political stagnation.

The causes of this Whig victory are not hard to discover. Those prevailing in Mississippi were the ones influencing the rest of the country. Van Buren was not personally popular. He was considered a master in that brand of partisan cunning then known as "New York politics," but now not confined to any one section. He had been bitterly opposed in Mississippi in 1836², and had barely carried the State in the election. The wild speculative epoch that succeeded the closing of "The Bank," and the heroic measures introduced by the "Specie

¹A biographical sketch of the writer of this contribution will be found in the *Publications of the Mississippi Historical Society*, Vol. VIII, p. 81.—EDITOR.

²"Facts in the Political Life of Martin Van Buren," by Amos R. Johnston, Clinton, Mississippi; September, 1836.

"Circular," had brought on the fearful panic of 1837, and all troubles were charged up against the Van Buren administration. This characteristic fault of a democracy cannot be severely censured when we recall how prone an administration is to take credit for all the prosperity that falls in its time. The usual official corruption was found among government officers, and the popular cry was raised, "Turn the rascals out." This was about the only platform adopted by the Whigs, it was anything to beat Van Buren, and a party containing such opposing wings as those represented by Tyler and Clay could not hope for permanent success. The campaign was a spectacular one, "disgusting" some of the Whigs said privately, and "log cabins, coons, and cider" were the party badge. Dr. Daevenport, the author of "Humbugiana," a satiric poem written in Mississippi soon after this, speaks of it as the time

"When Humbug stalk'd, unfetter'd, unrestrained,
And Coon and Cider joint protectors reigned."

Even if General Harrison had lived, a reaction must have followed this election. The Whigs had, as already noticed, no platform except dissatisfaction with Van Buren's administration, and when they brought up again the National Bank and Internal Improvements, and, in 1842, passed a Tariff Bill that did not carry out the purposes of the Compromise Tariff of 1833, their new found friends fell away. Among these was Mr. Tyler, who had never been an "old line Whig," but who was simply one of those who refused to be dominated by the Democratic machine. Whether the separation between Tyler and the Whig party was caused by his desertion or by the party leaders' aggressive policy, it is nevertheless true that this separation was fatal to the success of the loosely organized party. As early as the fall of 1841 the Whigs lost elections in states which they had just carried, among others in Mississippi. In the Congressional election of 1842 the Whig majority of twenty-five was changed to a Democratic majority of sixty-one.

The main questions on which the issue was fought out in 1844 were the Tariff and Texas. The latter was the more interesting, and, in Mississippi, the more important, but in the North interest was about equal on the two questions. For instance,

in Pennsylvania, already becoming a manufacturing State, the tariff was of so much importance, and the protective sentiment had become so strong, that some of Mr. Polk's diplomatic utterances were interpreted as being favorable to a high tariff, and the local leaders represented him as a "better tariff man than Clay." As early as November 17, 1838, John C. Calhoun had foreseen this question. In a letter to Armistead Burt,³ he says: "Revenue, under the compromise, has been regularly falling off for some time, while the expenditures have been regularly increasing, till we have reached a point where the latter greatly exceed the former, with an increasing diminution on its part, which must continue till the year 1842. It follows that one of three things must speedily take place: the tariff must be renewed; a new debt contracted; or the expenditures be reduced fully one-half, and that without delay. Our policy is clear, to adhere to the compromise; keep down the tariff; and prevent the creation of another debt." This policy of economy was not adopted, and by 1844 a large proportion of the people were beginning to wish for a higher tariff. Clay's "American Policy" was wonderfully popular with the Whigs, although when first proposed, after the War of 1812, Webster said that it was European, not American.

"This favorite American policy, sir, is what America has never tried, and this odious foreign policy [low tariff] is what we are told foreign states have never pursued."⁴

The Texas question was more complicated. The most obvious purpose was the extension of slavery territory, and since 1860 it is fashionable to speak of it as a "slavery intrigue," following the model set by Lowell in his "Biglow Papers," and continued so well by such historians as Schouler and Von Holst. That this view is incorrect will be shown later in this paper. No policy of annexation has ever failed to command the assent of a majority of our people, and the more astute of the Democratic leaders recognized this in 1844, and followed the guidance of the "foster father of Texas," Senator Robert J. Walker, of Mississippi. When Van Buren was defeated in 1840, his friends had imitated Jackson's friends in 1825, and had at once nominated him for

³*Report Amer. Hist. Ass., 1899, Vol. II.*

⁴*Goldwin Smith's Polit. Hist. U. S., p. 186.*

President in 1844. But Van Buren was opposed to the annexation of Texas. Before the time for the conventions, which were changed this year from December to spring, both he and Clay announced their opposition. This was evidently done to keep Texas from being an issue in the campaign, as Van Buren had visited Clay at Ashland in May, 1842, and it is thought that the two agreed on this policy.

Mr. Benton, with his unrivalled capability for "seeing ghosts," describes how, in order to get Van Buren definitely committed against Texas, his enemies, led by Senator Walker, arranged for Mr. Hamett, a congressman from Mississippi, to pretend great friendship for him and then to interrogate him on the Texas subject.⁵ Of course, believing as he did, his answer was against "immediate annexation," and it is interesting to notice in connection with this word "immediate" that no man who could possibly be a candidate, except the radical Birney, ever dared to speak against ultimate annexation. Mr. Claiborne, the Mississippi historian, believes that in this, as in other ways, Walker did more than any other man to put Polk in the President's seat.

Van Buren had a majority of votes in the convention which met in Baltimore on May 27th, but the annexationists secured the adoption of the two-thirds rule, and thus defeated Van Buren, who could command only 146 votes out of 266. Platforms were just coming into favor. In 1844 the Democrats adopted their second platform, and the Whigs for the first time put out a platform. A platform was also framed for the first time by the Liberty party, which had been organized in 1839, and had received some seven thousand votes in 1840, but was destined in this election to play a deciding part. Its platform was very long, and touched on all public questions, with most stress on slavery. The platform of the Democrats is called by Colonel McClure, in *Our Presidents*, a "political drag-net." A strong plank was inserted calling for the "re-occupation of Oregon and the re-annexation of Texas." This and the plank on public lands were accompanied by the usual platitudes. The Whigs had four planks, three were complimentary to Clay and Frelinghuysen—the remaining one summed up tersely the prin-

⁵Benton's *Thirty Years' View*, Vol. II, chap. 35.

ciples of the party, a well-regulated currency, a tariff, the distribution of the proceeds of sales of public lands, and one term for the Presidency. Texas was ignored, but Clay was well understood to be flatly opposed to its annexation.

Every one is familiar with Mr. Clay's fatal facility in writing letters and making compromises. His second letter on Texas, which was supposed to be intended for the benefit of Southern voters, gained him no votes in the South and aroused such bitter opposition among the abolitionists of New York that they threw away enough votes on Birney, the Liberty candidate, to swing the State from the Whig column, where it normally belonged, into the Democratic line, and thus elect Polk, who had carried Pennsylvania on a tariff proposition, and had naturally carried a majority of the southern states on the Texas question. Of the nine distinctively southern states at that time (Florida and Texas were not admitted till 1845) Polk carried all but North Carolina and Tennessee. Of the border states, Kentucky, Clay's home, gave him a majority of six thousand less than it had given Harrison four years before, while Tennessee, Polk's home, gave Clay a majority of about a hundred votes.

There was then no law requiring an uniform day for the elections. All of the states voted in November, but on different days. When the time came for Delaware to cast her three votes, Clay was already defeated, but one of the hardest-fought battles of the campaign was waged over these three votes, which finally fell to Clay. The next Congress fixed the day for Presidential elections. As in 1840, the winning party felt that they had won a signal victory, though a few votes either way would have changed the result of both elections.

The election in Mississippi was not so close, but was stubbornly fought. Mississippi, at this date, might be called a Democratic State. In common with all the western and southwestern states, it was a thorough Jackson State, but, by 1835, signs began to appear of differences of opinion, which would have kept it, if free from the influence of the slavery question, a normal State. In fact it may be said that prior to 1855 politics was in as normal a condition in Mississippi as in New York. However, the Democrats usually carried the State. In 1835, the Whig candidate, Charles Lynch, was elected governor, though the

legislature was Democratic. In 1837 the Democratic candidate for governor, A. G. McNutt, was elected; but, after a bitter fight, the Whigs elected Dr. J. W. King speaker of the lower house of the legislature. Within one year, 1837-38, as students of State history remember, there were three elections for Congress, and in the last two the Whig candidates, S. S. Prentiss and T. J. Word, were successful. In 1839 all the State offices were won by the Democrats, but in 1840 the Whigs carried the State for Harrison and Tyler in the Presidential election. After 1840 no Whig candidates were elected. Thus it will be seen that the Whigs had carried each election once, but at different dates, and it can be safely said that while the State was Democratic, it was not blindly so.

From 1837 till after the time covered in this work, National affairs, in Mississippi, were "sicklied o'er with the pale cast" of local politics. Before 1837 there had been the halcyon days of the "Flush Times," described in such an inimitable manner by Baldwin, the rival of Judge Longstreet as the word-painter of the southwest. In addition to the causes which in other states produced a carnival of speculation, the Indian lands in Mississippi had just been opened, marvelous tales had gone north and east of the new El Dorado, and "the new era had set in—the era of the second great experiment of independence: the experiment, namely, of credit without capital, and enterprise without honesty."⁶ All prices were high, "money was the only cheap thing to be had," lands bought at government prices, \$1.25 per acre, sold at once at \$30 and \$40.⁷ Lands near Jackson, which to-day, under excellent cultivation, sell at \$25, then sold unimproved at \$80 and \$90. Governor Brown gives an account of it which vividly describes the condition:⁸

"Drawers are searched, purses are turned, the cash that jingled about the infant's neck is taken off, and fuss and confusion reigns; money must be raised to purchase more lands, that we may grow more rich. In short, sir, every dollar that can be raised in the whole country is taken to the land office, given for unproductive soil, and as effectually lost to the real business of the country as if it had been cast into the sea. * * * The real capital of the country being exhausted, the legislatures were impor-

⁶Baldwin's *Flush Times in Ala. and Miss.*, p. 81.

⁷Ibid., p. 84.

⁸Speeches and Writings of Hon. A. G. Brown, p. 32; also Reuben Davis's *Recollections of Miss. and Mississippians*, p. 186; Sparks's *Memories of Fifty Years*, p. 364.

tuned to create more banks, that there might be more money to invest in more unproductive lands. These banks without capital had all to gain and nothing to lose, their issues were free and unlimited. * * * Every man felt rich in the possession of his real estate, upon which he had fixed his own price, with a firm resolution to obtain that price or keep the land. * * * Holding at very high prices suddenly checked the tide of immigration, and left the country full of vendors but without purchasers.

"Meanwhile a system of extravagance is begun and kept up to commensurate with the fancied wealth of neighbor Humbug. * * * All Europe and America are ransacked for viands to load a mahogany table, that has driven the old-fashioned cherry and walnut from the dining-room of a woodland cottage into the garret of a princely mansion. * * Anon a general crash is heard—terror and consternation possess the community. The opportunities for money become greater and still more great. The wealthy Mr. Humbug decides to sell a portion of his lands, pay his debts, and live independent. He starts out with this honest purpose; but what is his surprise to find every one selling and no one buying. He returns dispirited, disappointed, disheartened. He is sued, harassed with executions, and finally breaks; at this point he turns Whig, curses General Jackson, swears that Van Buren is the greatest scoundrel that ever lived, and starts to Texas. * * * Such is a brief outline of the rise, expansion, and final explosion of the greatest bubble that ever floated on the wide ocean of popular folly."

This long selection is given to make clear the effect which local business depression had on affairs later.

As an illustration of Governor Brown's statement in regard to unlimited paper money, on November 30, 1841, there was in the State treasury \$302,955.95 $\frac{1}{2}$, of which \$302,955.61 $\frac{1}{2}$ was in paper and 34 cents in specie.⁹

Under these circumstances the Union Bank was chartered, and the State took \$5,000,000 of stock in it, issuing bonds for the same. When the crash came, and payments fell due on the bonds, it was found that they had not been issued in a legal manner, and the proposition, as put before the people, whether they were willing to be taxed to pay the bonds, divided the State sharply. It soon became a political question.

"The discussion of the question when before the people called out the best talents of the State on both sides in politics, the Whigs, as a rule, being opposed to repudiation, and the Democrats, as a rule, being in favor of it, each following in this State question the line of thought which had distinguished the two parties in National politics—the Whigs insisting upon a liberal construction of the Constitution, and the Democrats upon a strict one, and each thus following the traditions of his party. The appeal of the one was to the moral sense of the people, while the other was to the legal sense. The Whigs, or bond-payers, were constantly begging the question and pleading the *spirit* of the Constitution, while the Democrats, or repudiators, pleaded the letter and prescription of the instrument."¹⁰

⁹Nine Years of Democratic Rule in Mississippi, p. 219.

¹⁰Fulkerson's Early Days in Mississippi, p. 86.

The situation was enough to appall even those who were in favor of paying the bonds. Prentiss, who was the Whig champion, says in a letter to his brother, in Germany, July 16, 1842:¹¹

"You can form no idea of the embarrassment, prostration, and ruin, which pervade this country. Such a state of things never was known, and could not exist, in Europe. There is no currency at all in this part of the country, and property has no representative. The New Orleans banks, which heretofore furnished this State with the little money that did circulate, have all failed, and now it is utterly impossible to collect debts, or to sell property at any price. Nothing can be more gloomy than the present position of affairs; and I confess I can see no prospect of speedy relief. In every other country on the face of the globe property will bring some price, here it will command nothing, and a man may starve in possession of a fortune."

To show how completely in the minds of many this question of repudiation had overshadowed all others, we may notice that Van Winkle, the author of *Nine Years of Democratic Rule in Mississippi* (1838-1847), a bitter partisan, mentions National affairs only once in a book of over three hundred pages, and then to give a rather lame reason for the Democrats' adopting the repudiation policy, namely, that it was to secure popular favor and thus reverse the Whig majority given to Harrison in 1840.

The movement against foreigners, and especially against Roman Catholics, which brought on the violent "no-popery riots" in Philadelphia in the early part of the year, had apparently not penetrated among the people of Mississippi, and did not do so till later, in the time of the Know Nothing party. It is, however, noticeable that immediately after the "riots" each party tried to make use of the "riots" to stir up prejudice against the other. The Democratic papers seemed to have better success, as well as more foundation for their policy, and by the middle of December some of the Whig papers were coming over to the side of the "Native Americans," or "Nativists." For instance, the *Constitutionalist* was established by H. McFarland at Vicksburg in February, 1844, as a Whig newspaper, but it gradually threw more and more stress on the "anti-foreign" movement. In the first issue after the election most of the paper is taken up with "Nativist" articles, and it soon became an organ for this movement. There is little reason for believing that an "anti-foreign" sentiment would have originated in Mississippi without nursing.

¹¹*Memoirs of S. S. Prentiss*, Vol. II, p. 218.

Those few in Mississippi who took any interest in National affairs as such showed a feeble interest in the tariff. A tariff speech made at Watertown, N. Y., by Silas Wright, who had refused the nomination for Vice-President with Polk, but had afterwards become Democratic candidate for Governor of New York, was run for several weeks in three or four Mississippi papers, and there were some discussions of the tariff, but all in a half-hearted manner.

The matchless orator, Prentiss, was the only man who cared to go into the fundamental questions of public policy. He made some plausible and telling arguments to show that a tariff would be a greater benefit to the cotton-growing interest than to any other. A large part of his time in this campaign was given up to the canvass in other states, his best known speech in this period being delivered at Nashville, August 21st. In one of his speeches this year he said:

"What are mere political measures, what are questions of tariff, bank, or internal improvements, in comparison with the questions of our immediate honor, character, and perpetuity as a virtuous, law-abiding nation?"¹²

These fundamental questions, as he presented them this year, were the moral and constitutional limitations of popular sovereignty, as opposed to Jacksonian Democracy, the limitation of real freedom itself to those who were fitted to enjoy it, and the tendency of a free government to allow all degrees of ability freedom to develop and thus bring about great actual inequality of condition. These are given somewhat at length to show how little of sectional pleading there was in his speeches. This doctrine of limiting the rights of the people was strongly criticized in the Vicksburg *Sentinel*, May 27, 1844. The editor, in a ringing article, showed that this was the very essence of the old Federalism, killed in 1816, which taught the inability of the majority of the people to do anything, however desirable, and that this was another way of expressing Hamilton's dictum of "government by the well-born."

In a distinctively tariff speech made before the "Clay Straight-out Club," composed of young mechanics at Vicksburg, Prentiss plead for a tariff not only on grounds familiar to us to-day in

¹²*Memoirs of S. S. Prentiss*, Vol. II, p. 302.

tariff speeches, but also on the ground that it was a National measure and would tend to hold together the Union. In this connection it is worth noting that it was in this campaign that Jefferson Davis made his entry into National politics.

Mr. Davis had entered politics the previous year, leading a forlorn hope in Warren County as a Democratic candidate for the legislature. As he had expected, he failed of election, but his canvass attracted attention, and in 1844 he was a delegate to the Democratic State Convention held at Jackson, and presided over by Mr. Prentiss' great rival, Joseph Holt. This convention instructed its delegates to support Van Buren as long as he had any chance, and, on motion of Mr. Davis, they were instructed to support Calhoun as second choice.¹³ Mr. Davis's speech in advocacy of this motion made an impression so strong that he was unanimously chosen one of the electors from the State at large.

To return to Mr. Prentiss, his speech at Natchez was the greatest speech of which we have any record in this campaign. It was considered by the Whigs unanswerable, "a magnificent burst of eloquence; an outpouring of honest Americanism, love of the Union, the Nation, the Constitution—law, order, society, and religion; carrying death and destruction into the ranks of Locofocoism, Dorrism, etc."¹⁴ (It was then fashionable among the Whigs to link together Repudiation in Mississippi and Dorr's Rebellion in Rhode Island, and at least one Democratic newspaper of the State spoke of Dorr as an "imprisoned patriot.")

It was in the course of this speech that Prentiss gave utterance to his famous characterization of Polk. After giving a powerful eulogy of Mr. Clay as the ideal American statesman,

"Suddenly he paused, and with a voice as of a trumpet asked, 'Who is the opponent of Henry Clay?' His eyes flashed unwonted fire, and you saw him falling headlong from his dizzy height, but his very course marked the impetus of a destroying angel; you saw that there was a vial of wrath in his hand, a consuming fire in his eye; he fairly struggled and heaved with emotion. The foam dashed from his lips, and he repeated in defiant notes, 'Who is the opponent of Mr. Clay?' and then hissed the answer, 'A blighted burr that has fallen from the mane of the warhorse of the Hermitage.' "¹⁵

¹³ Jefferson Davis, by his Wife, p. 182.

¹⁴ *Memoirs of S. S. Prentiss*, Vol. II, p. 329.

¹⁵ *Memoirs of S. S. Prentiss*, Vol. II, p. 332.

It was in ridicule of this scene that the *Yazoo Democrat*, of November 23d, when the result of the election was certain, came out with a flaring headline, "Who is James K. Polk?"

To understand fully this denunciation, it is necessary to know the contemporary feeling in regard to both Polk and Jackson. In addition to the feeling that Polk was a mere "nobody" daring to run against the immortal "Harry of the West," Prentiss had personal reasons for his detestation of Polk. In 1837, when the question came up of seating Prentiss and Word in the Twenty-fifth Congress, the House divided even, and Polk, who was Speaker, cast the deciding vote against the Whig candidates on what Prentiss believed to be entirely partisan grounds. Prentiss and Word were re-elected, and, when at the end of the session the usual vote of thanks to the Speaker was moved, Prentiss hotly opposed the word "impartial" in the resolution. He never forgot Polk's action in this matter.¹⁶

The other part of the reference is to a striking phenomenon. No one ever questioned Jackson's decisions and actions. The speakers might be Whig or Democrat, but to the present day in the Southwest Jackson's words and deeds are a political Bible, and, like Holy Writ, subject to partisan interpretation. The Whigs at this time often said that Jackson, who was near the end of his picturesque life, had been deceived by cunning politicians, but Jackson himself, like Washington, was raised above criticism. It was a favorite charge against Democrats that they were trying to ride into office on Jackson's reputation. An instance of this unconscious reverence for Jackson is in Doctor Daevenport's "Humboggiana," describing *Proteus'* changing from Democrat to Whig:

"Nay, principles, he holds this very hour,
Which, General Jackson, carried into power."

Another illustration of this same feeling is the view expressed by Benton, that the "Jackson Texas Letter" was a case where the honest old hero was worked on by designing men who knew that no movement could succeed in the Southwest which was not fathered by Jackson.¹⁷ This letter of Jackson was printed in all of the Mississippi papers of both parties, and letters from

¹⁶Shields's *Life and Times of S. S. Prentiss*, pp. 184, 248.

¹⁷Benton's *Thirty Years' View*, Vol. II, chap. 35.

Jackson during the campaign were printed in all the Democratic papers—about fifteen—as leading articles.

Reference has already been made to the current misstatement in histories of this period, that the annexation of Texas was a "slavery intrigue," sprung upon an unsuspecting people in the spring of 1844, when Mr. Tyler sent the Treaty of Annexation to the Senate, and that the revolution leading to the independence of Texas was a scheme by "slave-holding land purchasers." It is well to investigate this more fully. The first movement looking toward the recognition of the independence of Texas was initiated by the legislature of Connecticut, May 27, 1836, and a careful reading of the resolution passed¹⁸ will show that the people of the North then believed the revolution to have been provoked by Mexican misrule, and to have been fully justified in political ethics.

In the debate in the Senate on the resolution for recognition, which was adopted unanimously July 1, 1836, Mr. Calhoun frankly stated that he regarded the recognition as of great importance, inasmuch as it prepared the way for the annexation of Texas, and for the preservation of the balance of power between the slaveholding and non-slaveholding Commonwealths. "After such a statement it is difficult to see how anybody could speak of the annexation of Texas as being a slaveholders' secret intrigue." On his way home from Congress a year later Mr. Webster made a speech in New York in which he declared himself opposed to the proposed annexation inasmuch as it would increase the area of slavery.¹⁹ Surely this does not sound like a secret intrigue. Mr. Benton, however, says that the letter of Gilmer, from Virginia, published in a Baltimore newspaper in the winter of 1843, urging annexation, was "a clap of thunder in a clear sky."²⁰

If anything further were needed to disprove the idea that the Treaty proposed to the Senate in 1844 was a recent intrigue, it might be found in a copy of the *Liberty (Mississippi) Advocate* (Whig) for December 2, 1843, which, in an article stating that the contest in the Democratic party was between Calhoun and Van Buren, spoke of Texas annexation as a subject by no means

¹⁸Burgess' *Middle Period*, p. 295.

¹⁹Works of Daniel Webster (author's edition), Vol. I, p. 355.

²⁰Benton's *Thirty Years' View*, Vol. II, chap. 35.

new to southern people. In fact a somewhat careful search of the files of about thirty Mississippi newspapers from 1836 to 1845 shows that the subject of annexation was never dropped after it was proposed at the time of the battle of San Jacinto. No Mississippi Whig paper, which the writer has read, made use of the charge of intrigue during the campaign.

In a non-political fourth of July oration delivered at Natchez before the "Natchez Fencibles" by Wm. Mason Giles, Texas is linked with the movements in Europe:

"The revolutionary spirit has gone forth and will go forth; it was felt in revolutionary France, and shook the thrones of Europe to the centre—Poland caught its spirit, and poured out her blood like water, in its support—South America echoed the strains in shouts of victory—Greece was renewed with its vivifying power, and it lighted the 'Lone Star' of Texas with an undying lustre."

Another illustration of the Mississippi feeling in regard to Texas is that in Governor Brown's inaugural address in 1844, on the verge of the Presidential campaign. He speaks at length on the subject of Texas, but does not allude to the tariff.²¹

Various Whig papers kept during the whole campaign a standing headline from one of Clay's letters, showing that he was not *unalterably* opposed to annexation. It was this feeling for annexation that soon put the Whig papers in Mississippi on the defensive, and made the gist of their argument tend to prove that Clay was as good as Polk and Polk as bad as Clay. This was shifting the burden of proof with a vengeance, and was another illustration of the Democratic wisdom in not bringing forward a candidate with a troublesome record.

The strong Texas feeling in Mississippi was supposed to have affected as pronounced a Whig as Prentiss, and a rumor was circulated that he would desert Clay on this account. He found it necessary to publish the following letter in the Vicksburg *Whig*, which will not only show the feeling of the Whig party, but will also illustrate their unwillingness to commit themselves definitely on a future policy for Texas:²²

" * * * * I look upon the Whig cause as far more important than the Texas question, and would rather see that cause triumphant, and Mr. Clay elected, than to witness the annexation to the United States of all the

²¹ *Speeches and Writings of Hon. A. G. Brown*, p. 65.

²² *Memoirs of S. S. Prentiss*, Vol. II, p. 315.

territory between here and Patagonia. I believe the question of annexation, as now presented, to be a mere party question, brought forward expressly to operate on the Presidential election, and that it ought not to have the slightest influence upon the course, or action, of any member of the Whig party. Indeed the ground taken upon it in this quarter, that those who support Mr. Clay are unfavorable to Southern institutions, and opposed to Southern interests, is as insulting as it is false, and should arouse an honest indignation in the breast of every true Whig. * * *

"And if I should ever turn Locofoco on the question of *the immediate annexation* of Texas, I will support John Tyler, and not James K. Polk."

The last clause of this letter refers to a distinction made by Prentiss between Democrats and Locofocos. Students of history are aware of the origin of the term *locofoco* in a New York convention, but as used by Prentiss it meant *radical*. He spoke of locofocoism as lawlessness, and found the distinction of terms very convenient at times. In his great Natchez speech in 1844 he roundly abused the opposition as locofocos, and, when called to account by some of his Democratic friends, said that he had great respect for simon-pure Democrats, but that it was these new radicals that he had to villify.

Few people aided more in the acquisition of Texas than Robert J. Walker, United States Senator from Mississippi from 1835 to 1845. This was recognized by the people of Texas, and he was asked to allow his bust to adorn their capitol. His answer shows how the people of the State felt:

"In my own name and for my poor services I could not accept your proposition. It was as a representative of the people of Mississippi that I moved and advocated in consonance with my own feeling and judgment the recognition of your independence. My name must soon be forgotten in connection with this or any other transaction, but be it long remembered that it was a representative of the State of Mississippi, who, in the hour of your deepest gloom and danger, predicted your success, when not a voice in Congress had been raised in your behalf."²³

Some time previous to this, soon after he entered the Senate, he said in reference to aiding in the resistance to Mexican forces in Texas:

"Sir, the people of the Mississippi valley could never have permitted Santa Anna and his myrmidons to retain the dominion of Texas."

In the spring of 1844, before the National Convention, the people of Mississippi nominated Walker for Vice-President, and the people of Carroll County, Kentucky, asked him to express his views on the admission of Texas. This called out his famous

²³Leftwich's "Robert J. Walker," *Pub. Miss. Hist. Society*, VI, p. 365.

"Texas Letter," which, in a large degree, formed the basis of the policy on which Texas was later admitted.²⁴ It is exceedingly interesting to note that, though a slaveholder, and one whom Claiborne calls an ultra radical southerner,²⁵ he advocated the admission of Texas as a free State, as a safety valve for the disposal of negroes, who could then work their way over the line into Mexico, where their color would be no bar to their success in life.

The charge was made by Prentiss²⁶ that Walker used two editions of his "letter," one for the North, emphasizing his idea of a free Texas, and the other for the South, without this emphasis. One of the most dramatic features of the campaign was the speech of Prentiss at Rodney. It was in the course of this speech that Fulkerson found himself near a devout Methodist lady, wife of a leading Democrat of Rodney, who with streaming eyes and uplifted hands said, "Oh, that he were a preacher!" He had copies of Walker's two letters, and after showing their alleged inconsistency, dashed them together, calling them "the acid and alkali vanishing into frosty nothingness," and then suddenly fainted and fell to the floor.²⁷

If it is true that Mr. Walker had garbled his Texas letter to suit both sections, it did not seem to impress Northern people in that way. John Reed, Whig Lieutenant-Governor of Massachusetts, wrote to the *New York Tribune*²⁸ denouncing the letter of Mr. Walker as a "bold and ingenious appeal to ignorance and prejudice, and a slander upon the free negroes;" and continued by describing Mr. Walker as the "President-maker, the master spirit who dictated and controlled the measures and results of the Baltimore convention."

On the 12th of September, 1844, the citizens of Columbus, Mississippi, gave a barbecue in honor of Mr. Walker, and Congressman Wm. M. Gwin took occasion in his letter to the committee of invitation to review briefly "some of the measures for the benefit of our State and of the West introduced by Senator

²⁴Ibid.

²⁵Claiborne, *Miss. as a Prov., Ter., and State*, Vol. I, 411.
²⁶Memoirs S. S. Prentiss, Vol. II, 330; Shields's *Life and Times of S. S. Prentiss*, p. 348.

²⁷Fulkerson, *Early Days in Mississippi*, p. 108.

²⁸N. Y. Tribune, July 6, 1844.

Walker, and most of which have become laws, and all of which Mr. Clay has strenuously opposed." He continued, "He [Mr. Clay] is opposed to us on the subjects of the tariff, of the public lands, and the annexation of Texas." The greater part of Mr. Gwin's letter is taken up with references to the settlers on preempted lands, whom Mr. Clay had opposed and had called a "lawless rabble;" and he concluded "that there is not a single measure calculated, in my judgment, to promote the welfare of the people of Mississippi and the new states of the West, which Mr. Clay has not uniformly and zealously opposed, and Colonel Polk as warmly and constantly advocated and supported."

While Mississippi was a thorough slave State, it is evident that the people of the State had not advanced as far as Mr. Calhoun had by this time, or as Mr. Stephens had by 1861, far enough to believe that slavery *per se* was not only right, but was a positive blessing. In 1843 a case was brought before the High Court of Errors and Appeals, involving that clause of the Constitution of 1832 which forbade the importation of negroes as merchandise or for sale after the first day of May, 1833. The Supreme Court of the United States had previously decided, in a case involving the Mississippi Constitution, that this constitutional provision, without further legislation, was not an effective prohibition. The Mississippi court, in a decision handed down by Chief Justice Sharkey, March 29, 1843, held that the prohibition was effective. The court went on to say in regard to the Convention of 1832 that "its design was evidently to protect the people against a supposed evil. A time was fixed when this evil should be prohibited." This decision seems to have met with general approval, and was reprinted by request of the members of the bar.

Of course abolition was as foreign to the Whigs in Mississippi as to the Democrats. It seems strange now to read more than once in the *Liberty (Mississippi) Advocate* the charge that the Democrats were trying to bring in Texas as a free State, and thus encourage abolition. The *Independent Democrat* (Canton), December 4th, quotes from a New Orleans' letter:

"Little Jimmy Polk has been placed in the Presidential chair by the combination of abolition and foreign votes, with a regular system of fraud by the locofoco party throughout the United States."

There is one reason for believing that the campaign of 1844 did not arouse the people as other campaigns had done. So far as the writer can find, there were no duels fought among the leading participants in the canvass, and that in a country and time when duels were "plenty as blackberries." The "code of honor" was the established manner of settling any difference that went far enough to impugn either participant's motives. The feeling is well illustrated by an expression of General Foote in his *Casket of Reminiscences*. One gentleman slapped another's jaws, "who, unfortunately, at the moment, having lost his presence of mind, made no attempt to retaliate." Just before the period treated in this article, a large public meeting was held in Vicksburg, at which resolutions were adopted upholding the practice of duelling, and recommending this method of settling disputes among men of honor.²⁰ Readers of Mark Twain will remember how Judge Driscoll felt absolutely disgraced because his son had taken a case of assault and battery to court instead of settling it as a gentleman.

But during the campaign a different sentiment sprang up. It developed that while Mr. Clay had fought several duels Mr. Polk had never fought one. The Democratic papers accordingly became very pronounced in their condemnation of duelling, and especially condemned Dr. William Winans, an eminent Methodist minister, for opening Clay meetings with prayer. This newspaper sermonizing is supposed to have done something towards arousing the feeling against duelling.

No other period in the State's history has been so fruitful in the organization of newspapers. Among the many organized in this year was *Harry of the West*, established by J. J. Choate, Jr., at Grenada, in March. This continued after the election for a few years, but, in April, 1846, when it became clear that the title no longer represented a living issue, it was sold and became a "neutral" paper under the editorship of J. Fred Simmons.

About the time of this campaign the brilliant and ill-starred Col. Alexander McClung established the *True Issue*, a Whig newspaper, at Jackson. It was considered one of the most ably edited papers in the Southwest. Colonel McClung's writings on the National Bank and the tariff were deservedly famous over

²⁰ Foote, *Casket of Reminiscences*, p. 186.

the country. Prentiss is said to have used numerous extracts from these editorials in his northern campaign.³⁰

Another interesting feature of this campaign is that Gen. Henry S. Foote, later the malignant enemy of Jefferson Davis, canvassed the State in company with Davis, and was an elector on the same ticket with Davis. Foote was the better in combative argument, but Davis excelled him in methodical and eloquent treatment of a subject. Foote is considered to have been rather worsted in his encounters with Judge John I. Guion and Gen. Alexander Bradford, while Davis established a reputation for oratory which was never dimmed thereafter.³¹

The result of the campaign is well known. As in all the other states, a few votes would have changed the result. It is considered that the canvass of Davis and Foote did more to regain Mississippi to the Democrats than any other one cause. Needless to say, Mr. Birney, the Liberty candidate, received no votes in Mississippi. Polk had 25,126, Clay 19,206. It is interesting to notice that the *Yazoo Democrat*, established August 10, 1844, in its first issue predicted 7,000 majority for Polk in Mississippi.

Good Whigs believed that all was lost; in Mississippi, as in Kentucky, strong men cried like children. Prentiss wrote:

"I am perfectly disgusted with the result of the election; and almost despair of the Republic. Still there is some hope. The Whig party is really stronger now than it has been since the time of Washington. We have been beaten by the basest frauds and corruption, but the Locofoco party contains the elements of its own destruction. My advice is that the Whigs fight on manfully, under the same name, and for the same principles. If locofocoism cannot be conquered, then the experiment of free government has failed. The Whigs embrace three-fourths of the intelligence, moral character, and property of the United States and also a majority of the *qualified* votes. These seem to me to be strong elements of success."³²

Not all Whigs took it so seriously. The *Liberty Advocate*, one of the ablest of the Whig papers, had been sanguine of Clay's success, but in its first issue after the result was known was able to publish the following doggerel:

"Hark, from the pines³³ a doleful sound,
Mine ears, attend the cry;
Ye living Whigs, come view the ground,
Where all your coons do lie."

³⁰ Foote, *Casket of Reminiscences*, p. 439.

³¹ Reuben Davis, *Recollections of Mississippi and Mississippians*, p. 192.

³² *Memoirs of S. S. Prentiss*, Vol. II, p. 339.

³³ Piney woods.

Coonies! this Clay will be your bed,
In spite of all your braggars;
The old, the wise, the reverend heads,
Have all got the blind staggers."

This campaign was as much distinguished for its humorous verses as the previous one for its log cabins, hard cider, and coons. Two samples may be given from the large number found in the periodicals of the day. The *Oxford Observer*, for June 13, 1844, has the following:

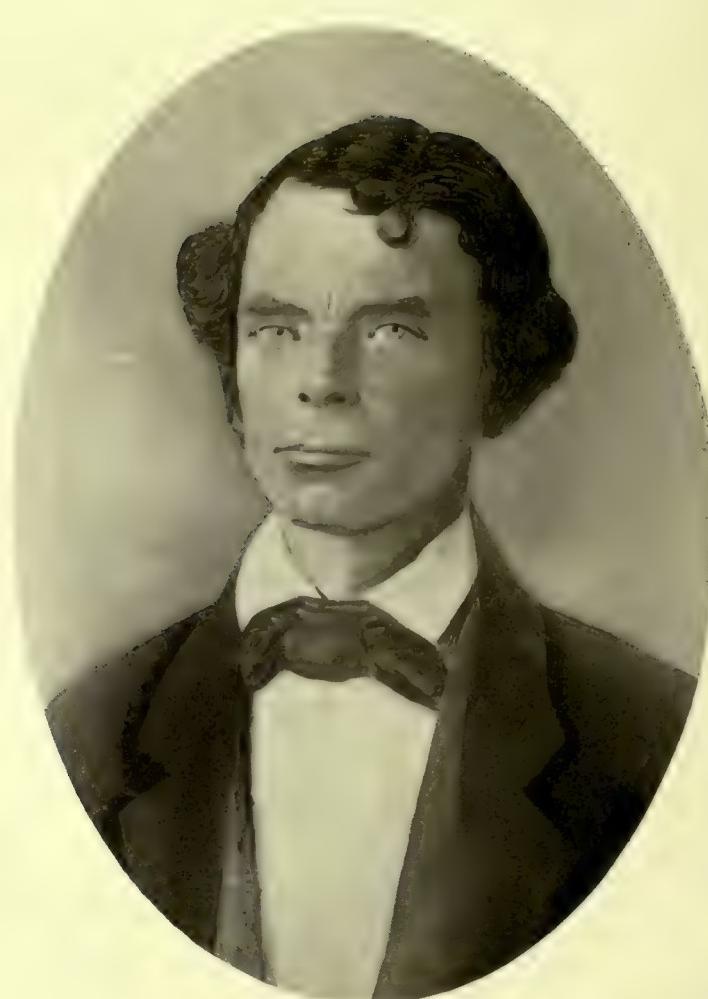
"The coon that once through Whiggies' halls,
The soul of music shed,
Now crawls as mute on Whiggies' walls,
As if that coon were dead."

The *Mississippi Free Trader* (Natchez) republished an article from the *Transcript* (Providence, R. I.) stating that all the negro voters there—seven hundred—would vote for Clay, and adds:

"De niggar vote am quite surprising,
We's all for Clay and Frelinghuysing."

The *Mississippi Democrat* (Carrollton), in its first number, December 17, 1844, makes merry over the "carriage already built and sent to bring the Whig President-elect to Washington."

The year 1844 may be considered one of the crucial years in our Nation's annals. That year saw, for the only time in our history, the annexation of a great territory submitted to the free votes of the American people, and while in other states besides Mississippi local questions must have influenced the decision, yet it was unquestionably the will of the people that was carried out when Texas became a part of our dominion in 1845. In the train of this came events already foreshadowed. In May, 1844, the General Conference of the Methodist Church took steps that led to the division of that denomination into Northern and Southern branches. Out of the questions connected with the organization of the lands acquired from Mexico came feelings which culminated in the Civil War. Yet there are few people to-day who would on sober thought reverse the decision of the polls in November, 1844, and no one who would wish to repudiate the honorable part played in this campaign by the orators and statesmen of Mississippi.



DR. JOHN W. MONETTE

LIFE AND LITERARY SERVICES OF DR. JOHN W. MONETTE.

BY FRANKLIN L. RILEY.

John Wesley Monette was born of Huguenot parentage at Staunton, Va., April 5, 1803.¹ In his infancy his family settled at Chillicothe, Ohio, where he was reared and educated. In his eighteenth year he completed the course of study prescribed in the Chillicothe Academy, which was then recognized as "the first institution of its grade northwest of the Ohio." He showed an early fondness for all kinds of literary work. In fact he was so much attached to all of his studies that it is impossible to say which of them afforded him the greatest pleasure. He was no less proficient in literature and the classics than in mathematics and the natural sciences. He prized his *Iliad* and other text-books which he used at Chillicothe so highly that they remained in his library throughout his life, some of them being used by his son at college in 1862.

In the year 1821 his father, Dr. Samuel Monette,² removed to the then flourishing town of Washington, the early capital of Mississippi, where he engaged in the practice of medicine. He also directed the early professional studies of his son, who had decided to become a physician. Four years later, March 21, 1825, John Wesley Monette received his diploma from Transylvania University, at Lexington, Ky. He immediately returned home and resumed the practice of his profession, which he had engaged in some time before the completion of his medical course.

¹ William Monette, grandfather of the subject of this sketch, married a daughter of William Wayland. To them were born two sons, Samuel and William. Samuel had seven sons and one daughter. All of the sons except John Wesley and James died young. James Monette became a planter at Bastrop, La., where he died in 1897 at the age of eighty-eight. The daughter of Samuel Monette, Ann Eliza, became the wife of J. W. Goodloe of Kentucky. William, the brother of Samuel Monette, settled near Greensboro, Ala., where some of his descendants still live. One of his sons, James Monette, a planter and merchant, lived in Mobile, Ala.

² Among the Monette manuscripts is a volume entitled "Poetical Essays on Sundry Important Subjects in Divinity, both Doctrinal and Argumentative," by Samuel Monette, "Elder in the Methodist E. Church and Practicing Physician in the town of Chillicothe." The first poem in this book (here called *Essay 1st*) and the only one in the hand-writing of Dr. Samuel Monette, contains 632 lines and bears an elaborate title, which reads in part as follows: "On Immortality and Fallen State of the World," etc.

On December 10, 1828, he married Cornelia Jane Newman, daughter of George and Charlotte Newman.³ To this union were born ten children, but only four survived childhood—Dr. George N. Monette, a citizen of New Orleans; A. C. Monette, who died in Tallulah, La., where his family now resides;⁴ Mrs. Anna Monette Brandon, who died in Natchez several years ago,⁵ and Maria Louise Monette, of New Orleans, La.

Dr. John W. Monette was a student by nature, and, although he was actively and successfully engaged in an exacting profession, he never lost interest in literary work. He had a large and well selected library, composed principally of works on medicine, history, geography, geology and theology. In order to gratify his taste for research, he found it necessary to economize the spare moments of time which are wasted by many people without a thought of their value in the aggregate. To him idleness seemed almost a crime.

His temperament seemed to combine traits that are more or less contradictory. He was warm-hearted, courteous and genial, yet reserved, austere and exacting. He was not irascible, but was strenuous in a just cause. His habits were most exemplary. He lived at a time when the use of tobacco and intoxicating drinks was widespread, yet he abstained from both. He was strictly religious, being for years an officer in the Methodist church. His fondness for his home and his strong attachment to his large family made his domestic life a source of constant pleasure. He enjoyed public debate, and when engaged therein drew liberally upon his great fund of information to the pleasure and profit of his hearers. He cared little for formal social functions, and found little time for social intercourse of any kind. As he was not fond of any kind of sport, he usually spent his limited periods of recreation in his garden or orchard, where he

³George Newman was a native of Essex County, Massachusetts. Charlotte Newman was one of nine children of Robert Dunbar, a native of Scotland, who came to America about 1770, and of Ann Beaver Dunbar, a native of Virginia. One of their granddaughters became the wife of Col. J. F. H. Claiborne.

⁴One of A. C. Monette's daughters married a gentleman by the name of Johnson, who lives in Seattle, Wash.

⁵Anna Monette became the wife of Dr. Jas. C. Brandon, second son of Gerard C. Brandon, one of the governors of Mississippi. She became the mother of Gerard Brandon, an attorney at Natchez, and of Hamilton Brandon of New Orleans, and of five daughters, Misses Cornelia, Anna, Louise, Margaret and Ella Brandon.

combined physical exertion with study of the nature of plant life.

Dr. Monette was also a man of affairs and touched life at many points. He was in turn a trustee of Jefferson College and mayor and councilman of the town of Washington. He was a successful financier, as is shown by the fact that he accumulated large property interests and was successfully engaged in cotton culture. He cared little for public life, but felt a deep interest in the administration of public affairs.

In 1823, shortly after Dr. Monette began the study of medicine, an epidemic of yellow fever broke out in Natchez and was soon conveyed to the town of Washington, which is only six miles distant. This afforded the young medical student an excellent opportunity to study the disease as it appeared in his father's practice. Two years later, soon after his graduation, a more fatal epidemic of yellow fever visited Natchez and Washington, both towns being well-nigh depopulated. This epidemic afforded to Dr. Monette and his life-long friend, Dr. Cartwright, their first opportunity to acquire distinction in their profession. In referring to their essays⁶ on the subject of yellow fever which were written at that time and subsequently, a contributor to *DeBow's Review* says that they "soon placed their reputation among the best contributors to the medical literature of the day and secured for them both a practice always lucrative, and which, it is believed, never waned while they chose to attend it."⁷ On December 2, 1837, Dr. Monette read before the Jefferson College and Washington Lyceum an interesting paper, entitled "The Epidemic Yellow Fevers of Natchez," in which he suggested the use of quarantines in restricting the disease. This contribution was published by the Lyceum in its official organ, the *Southwestern Journal*.⁸ A copy of this essay was presented to each selectman of the town of Natchez.⁹ In refer-

⁶An article by Dr. Monette entitled "Yellow Fever of Washington, Mississippi," will be found in the *Western Medical and Physical Journal* (Vol. I, pp. 73-85), published at Cincinnati, beginning with the year 1827.

⁷See *DeDow's Review*, Volume XI, page 93.

⁸See *Southwestern Journal*, Volume I, Nos. 5, 6, 7, and 10. The subtitle of this periodical as given on the cover reads as follows: "A Magazine of Science, Literature, and Miscellany. Published semi-monthly by the Jefferson College and Washington Lyceum." The first issue bears the date December 15, 1837.

⁹See *Mississippi Free Trader*, October 21, 1841.

ring to this series of articles by Dr. Monette, the *Mississippi Free Trader* of March 30, 1838, says that had his quarantine "theory been known and received before the epidemic of last autumn it might have saved hundreds of lives." The return of the epidemic in 1839 gave Dr. Monette an opportunity to continue his investigations. He shortly afterwards published a small volume, entitled *Observations on the Epidemic Yellow Fevers of Natchez and the Southwest from 1817 to 1839*. When the next yellow fever epidemic broke out in New Orleans in the summer of 1841 Dr. Monette had the pleasure of seeing his quarantine theory put to a test.¹⁰ The gratifying result of this experiment is forcibly expressed in the following extract from the *Mississippi Free Trader* of October 21, 1841.

"The blessing of extraordinary health, which has peculiarly distinguished our beautiful city the past summer and the present autumn, we unhesitatingly attribute to the enforcing of the quarantine. * * * The disease surrounds us—in New Orleans, in the towns on 'the coast,' and in our sister city, Vicksburg."

This article continues with a history of Dr. Monette's services, which led to the enforcement of the quarantine. It is claimed that this was the first time that an attempt was ever made to control the spread of yellow fever by means of quarantine, and that to Dr. Monette is due the credit of originating this method of restricting the disease.

The successful result of Dr. Monette's quarantine experiment increased the demand for articles from his pen dealing with the subject of yellow fever. In the winter of 1842-3 he contributed a series of papers on this subject to the *Western Journal of Medicine and Surgery*, published at Louisville, Ky. The following notice of these articles was published in the columns of the *Free Trader*:

"Any one would be more than compensated for the price of subscription by the very luminous and convincing articles of our fellow-citizen,

¹⁰The following extract is taken from the *Mississippi Free Trader* of August 26, 1841: "Yellow Fever.—The increase of this disease in New Orleans and the probability of its becoming an epidemic render it necessary that our City Council should put the quarantine laws in force at once. Every day's delay renders the project less useful. If the experiment is to be tried it ought to be done immediately. Although there are many who believe that a quarantine can effect nothing, yet we think it ought to be tried. It can be productive of no evil, and certainly no means should be left untried to guard our city against this dreadful scourge."

Dr. John W. Monette, on yellow fever, which are being published in the *Journal*.

"So far as we are able to judge, the Doctor handles the subject with great ability, exhibiting close observation, deep research and discrimination. He examines thoroughly the theories and arguments advanced in favor of the domestic origin of yellow fever in our seaports and inland towns, and shows them, as we think, to be unreasonable and fallacious. The article, we perceive, is to be continued in subsequent numbers of the *Journal*. Those who have adopted the repulsive opinion that our pleasant plantations on the Mississippi generate this pestilential disease will, * * * unprejudiced by the *ipse dixit* of medical teachers, peruse the clear details and convincing arguments contained in these numbers; and we think that they will agree that the yellow fever *may be excluded* from all the towns on the Mississippi River, as it was the past season from Natchez. We noted some weeks since that Prof. Dickinson of Charleston, S. C., a distinguished member of the faculty, and formerly an advocate of the domestic origin of yellow fever, had declared his convictions to be 'in favor of the views advanced by Dr. Monette.' We are not sufficiently informed to set ourselves up as *judges* in the matter, but we confess that all the doubts that we ever entertained on the subject have been removed by the strong array of facts and the plain, common-sense arguments and deductions of the Doctor."¹¹

In 1851 a writer in *DeBow's Review* says that as a result of Dr. Monette's quarantine method Natchez has not had an epidemic of yellow fever since 1839, "while all the villages, above and below, small and great, have been several times severely scourged by it."¹²

Dr. Monette's other contributions to the science of medicine are numerous and interesting. The *Western Medical Journal* of June, 1827, refers to his use of oil of turpentine as an external irritant, particularly in the treatment of typhus fever, in language that would lead the reader to suppose that he was a pioneer in the use of this now familiar remedy. His other contributions to medical reviews are too numerous and technical to be given in detail in this connection.

Dr. Monette's earlier literary efforts outside the field of professional contributions seem to have been directed principally

¹¹ *Mississippi Free Trader*, January 5, 1842. The article from which the above extract is taken ends with the definitions of two important elements of disease, quoted from Doctor Monette's paper:

"1. Contagion is a poisonous material, capable of exciting a peculiar disease in healthy bodies exposed to its influence, and emanating with that capacity or power at all times and under all ordinary circumstances from a body laboring under that peculiar disease.

"2. Infection is some noxious, gaseous matter, capable of exciting certain kinds of fever, and not emanating in that form, having the power of exciting the disease from some property assumed after it has emanated from a diseased body. Such is the infection of yellow fever."

¹² *DeBow's Review*, Vol. XI, p. 93.

to the subject of natural history. As early as 1824 he prepared a carefully written "essay" of 201 manuscript pages "on the Causes of the Variety of the Complexion and the Form of the Human Species."¹³ This paper seems to have been prepared largely for his own entertainment, with a probable purpose of its ultimate publication. It was afterwards rewritten and enlarged, the final copy covering 249 manuscript pages of letter-size paper. In this essay he attempts to show the primitive unity of the human race and to prove that racial differences can be accounted for by the influence of environmental conditions. He considers man as an independent species and rejects the hypothesis of certain philosophers that there is a close analogy between man and the simia tribe. He shows the effect of climate and natural surroundings on complexion, corporeal development, language, hair, etc., and fortifies his contention by citing parallel effects upon the lower animals. He also traces the influences of "state of society and manner of living," fashion, and of other "artificial" conditions upon different races, and compares them to analogous influences shown by domestication of animals and plants. He admits that there are at rare intervals certain "aberrations of nature," regardless of the uniformity of surrounding conditions.

The writer of this essay shows extensive and accurate information upon the races of the earth and gives evidence of a thorough study of the authorities available to him.¹⁴ He also shows

¹³The writer of this sketch acknowledges with pleasure his obligations to Dr. T. P. Bailey and Dr. W. S. Leathers, of the faculty of the University of Mississippi, for valuable assistance in the treatment of the scientific writings of Doctor Monette.

¹⁴In order to give the reader a conception of the contents of Doctor Monette's library, a list of the authorities cited by him in this essay is here given. It is as follows: Sparks' *Life of Ledyard*; Goldsmith's *Animal Nature*; Guthrie's *Geography*; Acerbi's *Travels*; Lord Kain's *Sketches of Man*; Malte Brun's *Universal Geography*; *Edinburgh Encyclopedia*; Lavoisne's *Historical Atlas*; Madden's *Travels in Turkey, Egypt, Nubia and Palestine*; Denham and Clapperton's *Travels*; Doctor Smith's *Essay on Variety of Human Species*; *Medical Repository*; McKensie's *Voyages*; Dr. James Johnson's *Tropical Climate*; Buffon's *Natural History*; *Medical Inquiries*; Rapel's *Nubia and Abyssinia*; Russell's *History of Egypt*; Lander's *Travels in Africa*; Gillie's *History of the World*; Brooks' *Gazeteer*; Dwight's *Travels in New England*; Dwight's *History of American Indians*; *Historical Dictionary*; Buchanan's *Researches in Asia*; Smith's *Journal of Missionary Voyage to the Pacific*; Dampier's *Voyages*; Keat's *Account of the Pacific Islands*; *Transactions of the Royal Society of London*; Milman's *History of the Jews*; Richerand's *Physiology*; Bichat's *General Anatomy*; Wilke's *History of the South of India*; Pan's *Medical Dictionary*; Nichol-

a discriminative grasp of his subject and not a little skill in arranging his well-chosen facts to make out his case. Although he seems to show that faith in environmental influences so strongly held by Herbert Spencer a quarter of a century later, he is not at all lacking in appreciation of what Darwin later called "spontaneous variations." For instance, one section of Dr. Monette's essay bears the heading, "Fortuitous Aberrations and Partial Peculiarities." The use he makes of this principle in accounting for the existence of the negro race is perhaps more interesting than scientific. He suggests that one of the sons of Ham was "preternaturally black, with wooly and curled hair, and with other negro features." This original "aberration" married a woman with similar physical features, which helped to accentuate and perpetuate in his offspring the peculiarities of his father, until in course of time it produced a distinct racial type. It is easy to smile at the author's *naiveté*, but has he not in principle followed the Darwinian method of helping out natural selection by means of spontaneous variation?

Climate is regarded by Dr. Monette as the most potent factor in working changes and affecting varieties. He classified the peoples of the earth according to climatic zones or belts. In this part of his researches he anticipated by more than eighty years an important phase of biological study, known as ecology. To aid him in the study of the effects of climate on color, he had a series of maps prepared which embraced all countries and the islands of the sea. Each body of land was colored so as to show the exact complexion of its native inhabitants at the beginning of its history. We are informed that these maps were intended only for private use and not for publication.¹⁵

The details and facts pertaining to the influence of climate on corporeal and mental development, as given by Dr. Monette, seem to be sound and convincing. It is evident that temperament, sensibility, mental development, period of puberty,

son's *Encyclopedia*; Darwin's *Zoonomia*; Acerbi's *Travels in Lapland*; Robertson's *History of Charles V*; Burns' *Obstetrics*; Good's *Study of Medicine*; Rees' *Cyclopaedia*; Good's *Variety of Human Species*; Paris' *Pharmacologia*; Smith's *Introduction to Botany*; Report of Committee for Considering of Slave Trade, 1789; LeMaire's *Voyage to Cape Verde, Gambia, and Senegal*; Haller's *Elements of Physiology*; Chapman's *Medical and Physical Journal*.

¹⁵ *DeBow's Review*, Vol. XI, p. 96.

together with corporeal development, are materially affected by extrinsic causes. It is clear that many principles published by Darwin in 1869, in the widely recognized literary prize of the last century, *The Origin of Species*, were stated by Dr. Monette in a hypothetical way thirty-five years earlier. One of these writers based his conclusions on deductive and the other on inductive reasoning. Darwin's book was the result of twenty years of the most painstaking effort, the product of a profound study of nature, and the principles which he presented are therefore more definite, convincing and scientific than are those given by Dr. Monette. This comparison is here made to show that Dr. Monette possessed many profound conceptions of nature and her laws and had acquired the power of logical reasoning and keen discrimination, as well as the ability to draw accurate scientific conclusions.

Although Dr. Monette shows a reverent regard for the Scriptures, he is not inclined to accept them as scientific authorities. He is glad to find his conclusions corroborated by the ancient writer of Genesis, but is not led to his conclusions by an attempt to square his facts with Genesis.

Dr. Monette's view that variations of the human stature become obliterated by inter-marriage, unless peculiarities of environment accentuate them, is very probably an independent statement of a conclusion scientifically arrived at by Galton and others during the seventies. His reference to the occasional production of "curly-haired" cattle and "frizzled" chickens indicate his tendency to reason from his own observation as well as from data furnished by others.

Summing up our estimate of this essay, we may characterize it as the work of a keen observer, with scientific spirit and method and with philosophic breadth of mind, who might have achieved important results through scientific investigation had suitable opportunities come to him. His patience, industry, logical acumen and open-mindedness are manifest on almost every page of this interesting production. An excellent summary of this essay is given at the conclusion, beginning on page 248. It reads as follows:

"In the preceding pages we have seen the powerful effects of climate as produced in a change of complexion from fair to brown and black and

vice versa. * * * We have seen also that corporeal development, form, constitution and intellectual vigour are modified by climate, and that the same or corresponding influences are exerted upon all inferior animals and plants. We have seen likewise the extensive influence of art, customs and manner of living on both the physical and intellectual natures of man; also the corresponding effects of culture upon animals and plants. We have shown how extensive may be the influence of these causes in producing diversities among men; we have further shown the numerous fortuitous aberrations of nature in effecting partial peculiarities, which may or may not be perpetuated. All those tend forcibly to prove that the diversities of the human family are the results of adventitious causes operating subsequently to the primitive creation.

"When we reflect upon the great flexibility of the nature of man and the great variety of modifying influences to which he is subject, and to which he has been subject for nearly six thousand years, we are surprised that the diversity is not more extensive than it is—that some striking monstrosities have not been propagated until a race of monsters was produced. The impartial philosopher will be far from carping and quibbling at trivial peculiarities when he considers the endless variety of adventitious influences to which man is constantly exposed. He sees that it is both rational and consistent with the established order of nature, and he sees the same confirmed by analogy through the whole of the animal and vegetable kingdoms. This he sees, exclusive of the testimony of revelation, which declares, in most unequivocal language, to our reason as well as to our faith, that the human family are descended from a *primitive unity and identity of origin.*"

Another paper belonging to the early period of Dr. Monette's literary activity bears the title "Essay on the Improbability of Spontaneous Production of Animals and Plants." This contribution is also found in manuscript form and was probably never published. It is a very readable paper, and is decidedly interesting even at this time when the evidence against spontaneous production has become overwhelming. In order to appreciate it the reader must bear in mind the fact that when it was written the science of biology was not in existence and natural history held the field. Dr. Monette's naturalist spirit is, however, as valuable, nay necessary, to-day as it was eighty years ago. Indeed, fairly educated people of to-day gape in wonder over the "spontaneous" origin of plants in a burned-over district, the raining down of fish and the like.

The subject is discussed under the following heads: 1, Preliminary remarks; 2, Analysis of the doctrine; 3, Progressive sexuality and generation; 4, A discussion of those forms of life whose existence was accounted for by the doctrine of spontaneous production; 5, Seeds of cryptogamic plants; 6, The dissemination of seeds of phanerogamic plants; 7, The application of

these principles to explain the appearance of new plants in different and in many cases isolated places.

The introduction to the paper shows that the author had an accurate conception of the principles and laws underlying and governing the various forms of animal and plant life. During the early part of the last century the advocates of spontaneous generation were enthusiastic and persistent in their belief that the lower forms of life owe their origin to equivocal or fortuitous generations, but the writer of this paper shows by the following statement that he is somewhat in advance of the rank and file of his day:

"Numerous have been the discoveries in the department of natural history, and the former vague and hypothetical opinions have given place to a more enlightened system, based upon deep research and indubitable facts. And that doctrine which attributes the existence of many animals, animalcules and plants to equivocal generations or a fortuitous combination of particles is fast exploding before the light of reason and the advance of science."

Although Dr. Monette does not argue the question from the experimental standpoint, he presents a strong, accurate and logical array of facts, based on observation and deduction. The paper is written in a popular style, and is, in the light of the time, rather a remarkable production. Twenty-five or thirty years later Tyndale proved by a series of careful experiments the utter fallacy of the doctrine of spontaneous production, but the same conclusion had been reached by Dr. Monette from reasoning based upon extensive reading, a philosophical insight and accurate observation. He seems to have been familiar with the literature of the subject and shows decided ability in correlating facts in support of his position. The writer is at a loss to know why Dr. Monette crossed out with pencil marks each and every page of this essay. It is a beautiful illustration of the logical and scientific attitude of writers of the field-naturalist type before the development of experimental science.

The first number of the *Southwestern Journal* contains an interesting essay read by Dr. Monette before the Jefferson College and Washington Lyceum on "The Limited Nature of Human Research." The following brief extract from this production is here given, because it seems to offer a clew to the explanation of his remarkable scientific and literary activity:

"A knowledge of the laws which regulate matter and spirit, so far as man can trace them, is called science, the attainment of which, however difficult and abstruse, constitutes one of the greatest intellectual pleasures which we can enjoy. The pleasure of discovery is in direct proportion to the increased difficulty of investigation. If our minds could seize upon principles and hidden facts with that perspicuity which angels may possess, constituted as we are, the interest, the desire of knowledge, the novelty of discovery, the pleasure of gratified curiosity would not be ours. The vigorous intellect would sink into satiety and inglorious indolence. For the greater the mystery, the more a subject is hedged in with uncertainty and doubt, where hypothesis upon hypothesis is exhausted in the solution, the more attractive is it to the restless genius of man. His mind is continually in search of something intricate for its operation, something difficult to unravel, for strange as it is his mind seems disgusted with simplicity in all its forms, and turns to investigate something mysterious merely because it is mysterious."

"But how humiliating to human pride to know that the most splendid acquirements made by the most towering genius have only been able to ascertain, in part, a few of the operations carried on in the universe! When we attempt to pry into the causes of the order and operations of nature we perceive beyond what at first appeared causes still other causes—mystery upon mystery, extending in endless succession, far beyond the reach of our limited faculties. In the search man's strongest intellect might advance, were it possible, with unabated ardour, through all time, and still not have entered the vestibule of the great temple of knowledge. How humiliating to our self-pride to know that of us, who probably boast of our knowledge of sciences, of arts, or of a few of the languages of this babbling earth, not one in a thousand shall ever attain that exalted stand, which but few have attained, to know how ignorant we are and how unbounded is the field of science beyond our reach."

Dr. Monette's place in the scientific history of our country must of necessity be a humble one. As most of his scientific productions were left unpublished, his researches produced little influence outside of the circle of his personal acquaintances. The striking similarity between his writings and those of Dr. John Mitchell, who lived a century earlier in Dr. Monette's native State, is interesting. There is no evidence, however, to show that Dr. Monette was aware of this fact¹⁶

Dr. Monette's interest in scientific subjects may have been due to some extent to the scientific atmosphere of his native State.¹⁷

The results of his diligent efforts are pathetic. He seemed to be completely enamored of science, but his ideals were so exalted

¹⁶In 1743 Doctor Mitchell communicated to the Royal Society an essay on "The Causes of Different Colors of People in Different Climates." He also wrote a valuable contribution to medical science about the yellow fever epidemic of 1737-1742. It is thought that these points of similarity are not due to any conscious imitation on the part of Doctor Monette, since his writings contain no references to those of his predecessor.

¹⁷Between 1780 and 1800 Virginia had fourteen members in the American Philosophical Society, while Massachusetts, New York and Maryland had only six each and the Carolinas eight.

he could not get his consent to publish many of the treatises that he prepared with the greatest care from time to time. Dr. Monette, like Dr. W. C. Wells, recognized the theory of natural selection long before the publication of Darwin's great work.¹⁸ Unfortunately for Dr. Monette, while he felt the effects of that "thirst for natural sciences" which, in the words of Eaton, the pioneer geologist of America, pervaded "the United States like the progress of an epidemic," he was deprived of association with the scientific men of his day. In order to overcome this misfortune, he spent money more lavishly than discriminately for books. Yet the only evidence that remains of his persistent efforts to penetrate the secret of nature is the large batch of manuscripts, now yellow with age, which are prized by his son as a most precious family heritage. Like his great predecessor, William Dunbar,¹⁹ the pioneer scientist of the Mississippi Valley, his name does not appear in the history of American science,²⁰ yet his services entitle him to distinction in the State of his adoption.

As early as 1833 Dr. Monette entered upon his great literary undertaking—the writing of an elaborate work on the geography and history of the Mississippi Valley. His original plan embraced only a book on the physical geography of the Mississippi Valley, and he spent several years upon this work before deciding to enlarge it so as to embrace also the political geography and history of this great region. His intimate friend and associate in scientific work, Prof. C. G. Forshey, of Jefferson College, tells us that in the year 1837 Dr. Monette thought that his physical geography was well-nigh ready for the press, and he was then rewriting it, inserting some additions and notes, with a view to its early publication. Professor Forshey adds:

"But before he could complete his revision and copy, new information, which he was constantly obtaining, required to be inserted in the portions already completed. And in this manner the work has been rewritten and enlarged several times, as new information required, and so sedulously anxious was its author to give it the greatest possible perfectness that he could never consent to hand it over to the publishers. Meanwhile,

¹⁸ See *Origin of Species*, 6th ed., pp. XV-XVII.

¹⁹ See *Publications of the Mississippi Historical Society*, Vol. II.

²⁰ See George Brown Goode's *The Beginnings of Natural History in America* and *The Beginnings of American Science*, published by the Government Printing Office, Washington, 1901 (House Documents, Vol. 79, Pt. II, *National Museum Report*, 1897, Pt. II).

he found in his travels and investigations of soil, climate, productions, population, settlement, and industry of the valley, that he could not easily separate the historical from the physical part of his work.

"At the instance of some of his friends whose judgment he valued, but with some diffidence and hesitation, he undertook, about the year 1841, to write the History of the Valley as a separate volume of his work, but before it was completed he found his plan would make two large octavo volumes."

In 1845 the *Natchez Free Trader* issued a prospectus announcing that that office would publish a new work by Dr. John W. Monette, entitled "The Valley of the Mississippi," in two parts, part 1st containing "the history of the discovery and settlement of the Mississippi Valley (in two volumes octavo, and comprising not less than 550 pages each"); part 2d containing "the physical geography of the Valley of the Mississippi (in two volumes octavo, comprising not less than 500 pages each)." The prospectus announced that the first part (two volumes) would be ready for the press by the fall of 1845, and that the second part (two volumes) would be completed for the press by the close of the next spring. It stated that "both portions can be published in the course of next year if the list of subscribers will justify the undertaking."

For some unknown reason Dr. Monette changed his plan, and the historical part of his work was published by the Harpers in 1846. As this pioneer work in the history of the Mississippi Valley is familiar to historical students, no attempt will be made to give an elaborate account of it in this connection. The appearance of the manuscripts of his history shows that this part of his work was done with the greatest care. If further evidence of this fact were necessary it could be furnished by his private copy of these published volumes, to which the writer of this paper has had access. It contains a large number of erasures, annotations and corrections, including in many places the addition of valuable facts in manuscript notes. On the margins of these books are found a large number of entries, as follows: "Rewritten," "omitted," "revised," "see manuscript text," etc. In each case the carefully prepared manuscript texts are pasted in their proper places. These notes, like his other manuscripts, bear no evidence of haste or carelessness. His manuscripts show

that he intended to add three new chapters to this work upon the publication of a second edition.²¹

The first volume of this work contains a history of the Mississippi Valley prior to the acquisition of Louisiana by the United States. The second volume, entitled "The United States in the Valley of the Mississippi," contains the first comprehensive history of the Mississippi Valley as a whole during this period. The style of the author is simple and fascinating. His account of frontier life is full of interest. One of the most commendable features of the entire work is the large number of references to sources and authorities. There were few books of value then available upon the history of the Mississippi Valley which are not referred to in the footnotes of these volumes. The magnitude of Dr. Monette's undertaking and the financial outlay necessary to its execution will be evident to anyone who will reflect that the work was done before there were any great libraries in the Mississippi Valley and before there was any system of inter-library loan.

The estimate placed upon this work at the time of its publication is shown by the following extract from an article by the editor of *DeBow's Review*:

"We commend the volumes of Doctor Monette's * * * to the American people as the first effort to furnish a complete history of their great western domain and territory, most signally successful, and the only work at this time which can in any degree satisfy the desire of information which is everywhere felt."²²

The same writer also makes the following reference to Monette's History:

"This able work deserves many editions and extensive circulation in our country. It is the fruit of years of indefatigable research and toil. In its arrangement it is admirable; in its matter and execution nothing could be more fruitful and reliable."²³

Dr. Monette did not live to finish the work on his physical geography, which treatise he seemed to think would be his most important contribution to knowledge. Judging from his manuscripts, this work was well-nigh completed at the time of his

²¹One of these chapters, entitled "The Progress of Navigation and Commerce on the Mississippi River and the Great Lakes, A. D. 1700-1846," will be found in the *Publications of the Mississippi Historical Society*, Vol. VII, pp. 479-523.

²²*DeBow's Review*, Vol. IV, p. 85.

²³Ibid., p. 36, footnote.

death. Anyone who reads them to-day will join with Professor Forshey in saying that Dr. Monette and the public were both losers by the failure to publish the physical geography. Professor Forshey's opinion of this part of Dr. Monette's contributions to knowledge is expressed as follows:

"The scope of the work is such as to entitle it to the name of 'Physical Geography' in its fullest sense. The height of mountains; the elevation of plains, uplands and alluvians; the force of torrents, their rate of fall and quantity of discharge; the variations of climate, its humidity, healthfulness, temperature, and general local meteorology; the natural productions of the earth, mineral and vegetable; forest trees, shrubs, medicinal plants and waters; agriculture and its variety of products, both local and general, and the mode of culture of the several great staple productions; the native inhabitants of the Valley, their manners, customs, and the antiquity that marked the footsteps of the earlier races of men; the animals peculiar to each portion of the Valley, and the effects of civilization upon the native races of men and animals; the conquest, settlement and advance of states to their present condition of prosperity and enlightenment; these and analogous subjects are treated in a most elaborate and masterly manner, and when published will be found, we think, from personal examination, to form one of the most valuable works ever given to the public from an American hand."²⁴

In order to place a proper estimate on this work it must be studied in the light of the time at which it was written. There was then no book which gave an adequate treatment of the physical geography of the great valley of the Mississippi. The only works that professedly treated this subject were those by Timothy Flint and William Darby. The former writer, in his *Geography of the Mississippi Valley* and in his *Recollections of Twelve Years in the Mississippi Valley* gave much interesting information concerning the country, its physical character and the manners and customs of the people, but his statistics and facts were detailed, according to Dr. Monette, "with such careless inaccuracy and such looseness of language that many view it more as a kind of geographical romance than as a great work on physical geography. Hence the valuable matter contained in his works is so enveloped in a mass of loose verbiage, with so little order and system, that they can never be standard works of reference."²⁵ Darby's *View of the United States* treated incidentally of the Mississippi Valley, and his *Louisiana* as well as his *Universal Gazetteer* also contained much valuable infor-

²⁴ *DeBow's Review*, Vol. XI, p. 93.

²⁵ Doctor Monette published an elaborate criticism of Flint's *Geography of the Mississippi Valley* shortly after its appearance from the press.

mation on this subject, but the matter was without that order of arrangement which would render it valuable as a special work on the Mississippi Valley. There were also many other works of less note which contained sketches of some portions of the Mississippi Valley, but none that treated of the whole region in one great work. At the time Dr. Monette was engaged on this work there was a demand for an elaborate and authentic treatise on the geography of the Mississippi Valley, and he intended his books, as he said, to be "the nucleus for such an undertaking, which may be more extended and enlarged at some future time."

He was peculiarly adapted for such an undertaking, having lived fifteen years in the Ohio region and twenty years in the lower valley of the Mississippi. By attentive observation, aided by other sources of information within his reach, he had collected, arranged and classified during this time much useful and interesting information relative to the geography of that important region.

As he was unable to find any treatise on the subject in which the matter and arrangement were such as to meet his views, the plan of his work was new and original.

The following extract from his manuscript preface to the Physical Geography will give the reader in Dr. Monette's own language the *raison d'être* of this work:

"In the following chapters the author has adopted an arrangement which is new, and which, so far as he is aware, has not been heretofore adopted. The division of the subject into *river regions* is one which gives the reader a more comprehensive and at the same time a more detailed narration of the physical character of any particular section of this great valley.

"The physical details of important tributaries, as well as of the great parent stream, are such as most investigating readers desire to inquire into, although in most works upon this subject these points are entirely overlooked or are but imperfectly touched. In the latest works no certain information is given of such important rivers as the Washita, the Tensas, or the St. Francis. In the last gazeteer by Smith such rivers are barely named.

"Mr. Darby, the indefatigable western geographer, in his *View of the United States*, as well as his *Universal Gazetteer*, has given much of this kind of information in the numerous tables which he has prepared and arranged upon this subject; yet in his general description of rivers he is often vague and indefinite. Rivers are the great leading outlines of different regions and constitute an indispensable portion of the physical geography of any region. The sinuosities and reflexions of a river and its actual length between its source and termination greatly modify its character and add greatly to its advantages for a dense population, hence they are important features and should receive from the geographer a more minute and specific detail.

"This seems to have escaped the observation of Mr. Darby. He seldom gives any definite information relative to the actual length of rivers, and confines this part of his narration only to the *direct distance* from their source to their termination. This he calls their 'comparative course,' which conveys but a vague idea of some of the rivers and water-courses of the Southwest. Some of these in many places are known to meander in great circuitous bends from ten to thirty miles, and then return to a point within one or two miles of its own channel. Hence the actual length of many streams is equal to at least three times their 'comparative course,' and writers describing the same will differ almost as widely as the poles unless they guard against such discrepancies. In this work we have been careful to obtain the actual length of water-courses, following all the meanders of the channel. In Mr. Darby's work, as well as in that of Mr. Flint, we sometimes have apparent errors in giving the towns on the bank of a river with their distance from another town and not by the river channel. Smith, in his new gazeteer of 1844, corrects none of the early errors in the lengths of rivers. * * *

"The elevation of points above the ocean have been greatly overlooked, and in most cases exceedingly erroneous statements are made in geographical works; if indeed they have deigned to note this fact. Since, however, civil engineering has been practically applied to opening canals and constructing railroads, certain *data* are now obtained by which errors may be corrected. On these points the works of Mr. Darby and Mr. Flint have many errors, from which the present work is believed to be free. The estimate of elevation of low-water mark of the Mississippi and Ohio Rivers at various points has been made after much research and labor, and will serve as valuable *data* for ascertaining the elevation of other points. The lake elevations also are valuable on this account, and correct the numerous discrepancies of most geographers on this subject. The discrepancies on this subject in most of our works * * * too often occur from a careless inaccuracy scarcely excusable in statistical work like Bradford's comprehensive atlas.

"In reference to the physical details of the lower valley of the Mississippi, they are mostly new and the result of personal observation.* * * The author has had many opportunities from time to time for acquiring from individuals such information relative to many points treated in this work, which could not have been obtained from books or other records, because none such existed.

"The general matter upon the southern portion of the Mississippi River is therefore new, and may be deemed an important acquisition to our geographical knowledge, not only as to the face of the country, but as to its natural productions and its agricultural resources, climate, etc.

* * * * *

"Another portion of physical geography which we flatter ourselves is altogether new is the 'Climate and Seasons of the Delta.' This is a subject which has been entirely overlooked by writers upon special geography. I flatter myself that on this subject I have collected and arranged facts which will be interesting and acceptable to all.

"In the indigenous growth I have given full and detailed descriptions of such plants and trees as were not fully described before. In this way I hope I have added something to the general store of knowledge. As to exotics cultivated in the South, many of them are deeply interesting in their nature and properties, which are almost unknown at the North.

"As to American monuments and Indian tribes, they will soon become extinct, and their existence and their nature and uses, as well as the number, names and habitations of the tribes, will soon be only known by

record In the embalming of them in the imperishable records of history we perpetuate their memory."²⁶

During the time Dr. Monette was engaged on the preparation of his Physical Geography the southern portion of the Valley of the Mississippi was attracting thousands of settlers from the Atlantic coast and was receiving the attention of the entire nation. This fact, combined with others, led to a widespread inquiry concerning this interesting and little understood region, and doubtless there was then a larger proportion of American people studying the geography of the Mississippi Valley than ever before. The rapid development of the lower Mississippi is referred to by Dr. Monette in his introduction as follows:

"Twenty-five years ago it was believed that for half a century to come the great Mississippi was destined to roll on to the sea in solitary grandeur through a thousand miles of deep, unbroken forest, excepting only a few points which were deemed habitable. Less than a quarter of a century has elapsed, and in the whole distance from the mouth of the Ohio down to the Belize the dense forest begins rapidly to disappear; cities and villages, as if by the power of enchantment, have sprung up from the watery waste, which was then supposed to bound the river on either side; agriculture and commerce flourish; wealth and independence smile upon the labor of industry.

* * * * *

"Even the alluvial region of the Tensas, contiguous to the oldest settlements of the early French and the more recent Anglo-Saxon, with its numerous navigable bayous and fertile alluvians, was unknown as habitable even fifteen years ago, and much of it was still considered useless within the last five years.

"Ten years ago the Yazoo region on the opposite side, extending from the last Chickasaw bluff near Memphis to the Walnut Hills, a distance of more than 400 miles by the river, was considered an immense inundated region, useless to civilization and consigned as the habitation of the native tribes or as the haunts of amphibious monsters and beasts of prey. It was the forlorn hope of the State of Mississippi, embracing nearly one-fourth of its actual surface and given up to hopeless inundation. Now it is the Egypt, the granary of that rich and growing State. The whole of it is being rapidly settled, and already one-fourth of the cotton crop of that State proceeds from that very region. A few more years will make it emphatically the great corn and cotton region of Mississippi.

* * * * *

"The vast fertile alluvions of Red River above the "raft" have been explored only within a few years past, and are now fast becoming the seat of a dense and wealthy agricultural population. Many of the river courses and reservoir bayoux, which had been discovered many years since, were supposed to meander their solitary courses through deep, gloomy lowlands and impenetrable swamps, such as they appeared to the early French voyagers and traders 130 years before. The best lands,

²⁶The contents of Doctor Monette's *Physical Geography of the Mississippi Valley*, as prepared by him, will be found in the appendix to this article (see *infra*, p. 220).

lying chiefly on the intervening bayoux and lakes, were entirely unknown and were supposed to be deep swamps and useless wastes, doomed by nature to be the eternal haunts of the alligator, the bear, the panther, and other ferocious beasts of prey.

"The exploring enthusiasm within a few years past has seized the pioneer settlers of the Southwest and has urged them to a restless search after the bountiful provision made for them by the hand of an all-wise providence. So rapid has been the advance of these discoveries that the catalogue of names has been almost exhausted to designate the newly discovered bayoux and lakes in this great *terra incognita*. Upon the margins of all these are found bodies of the most fertile and inexhaustible alluvions, where vegetation almost changes its ordinary upland characters.

"It has been said that Mr. Jefferson once remarked that the lower valley of the Mississippi had been settled one hundred years too soon, and that its forming state was not complete. But the lapse of one hundred years from the purchase by Mr. Jefferson will see this very lower valley the abode of millions of enterprising men engaged in agriculture, commerce and manufactures.

"Such was the state of information relative to the lower valley thirty years ago that Major Stoddart declared 'from the settlements of Pointe Coupee on the lower Mississippi to Cape Girardeau above the mouth of the Ohio there is no land on the west side which is not overflowed in the spring to the distance of eight or ten leagues from the river with from two to twelve feet of water, except a small spot near New Madrid, so that in the whole extent there is no possibility of forming any considerable settlement contiguous to the river on that side.'

"At this time (1842) the very region here designated embraces one-half of the cotton region of the States of Louisiana and Arkansas and one-fourth of the cotton region of the State of Mississippi, together producing annually not less than 300,000 bales of cotton for export, and having an active population of at least 200,000 souls profitably engaged in agricultural pursuits, where labor is rewarded with the comforts and luxuries of life in the greatest abundance, and where the prolific soil is inexhaustible in supplying all the necessities for domestic consumption and support."

Dr. Monette also wrote, from time to time, anonymous articles, humorous or satirical. Among his miscellaneous writings may be mentioned a poem of 250 lines on "Friendship." It was first written in 1823, and, to use the language of the author, was "Inscribed to Hon. A. Covington, the humane, the generous, and the good." It was rewritten and enlarged for the *Natchez Gazette* in August, 1825. Among his other poetical efforts are an "Ode to July 4th, 1820" and "A Satirical Poem." Among his anonymous writings is a number of articles on "Empiricism." These were directed principally against the pretensions and practices of the "steam doctors," the disciples of Samuel Thompson, Samuel Wilcox and Horton Howard.²⁷ Dr. Monette says

²⁷A very interesting account of this system of medicine, written by a gentleman who amassed a fortune through his "steam practice," is found in Vol. VIII of the *Publications of the Mississippi Historical Society*, pp. 499-504.

that the general tenor of the teachings of all these men is the same, viz., "that all diseases proceed from cold, and are curable by *capsicum*, *lobelia*, and *steaming*. The following extract from these essays will show a phase of Dr. Monette's literary style not found elsewhere in this sketch:

"How often has the contemptible ignoramus, the mechanic-laborer, without study or without talents for the most ordinary occupation, been raised on the breath of popular applause to the level of learned and experienced physicians.²⁸ And such, although addicted to base falsehood and mean vituperation, and devoid of every principle of honor and moral rectitude, yet find means to pursue their destructive course and escape the punishment their crimes so justly merit. And it is astonishing to perceive with what avidity many ignorant and credulous persons receive and propagate unfounded rumors in support of these deceptive wretches. It is among their characteristic traits to blazon forth exaggerated accounts of the most trivial diseases and unimportant circumstances in their favor as evidence of skill surpassing that of regular physicians in curing inveterate cases which had baffled the skill and experience of the whole regular faculty. But if people die in their hands they audaciously assert that they were called in too late, that the vital energies of the system were destroyed or that, through the monstrous practice of the physician previously in attendance, the case was irremediable, or that poison, latent in all their bones, destroyed the patient before they could eradicate it from their system."

* * * * *

"The knowledge of those powerful secret vegetable medicines which possess this wonderful property of expelling poisons from the system, it is affirmed, are known only to those highly favored geniuses who have been initiated into the mysteries of the order. Men of talent and medical men cannot acquire this knowledge, although they are conversant with the articles every day. They assert that in buying a right, or in receiving the authority to use, from a regular agent, the secret sign is given, the countersign and the grip are communicated, and the happy wight is deluded with his own knowledge and consequence.

"Endued with this powerful sagacity, they commence their peregrinations and miracles. With this intuition or communicated sagacity they detect and cure fractures and dislocations where others could not even discern them. They detect and cure cancers, consumption, hydrophobia and dropsies where men of common minds could perceive nothing more than a simple abrasion, or some slight disorder from colds, which scarcely demanded recourse to medicine. They not only can eradicate

²⁸The following humorous extract from Baldwin's *Flush Times of Alabama and Mississippi* (p. 89) will give the reader an idea of the evil practices which obtained in the country in the '30's:

"Men dropped down into their places as from the clouds. Nobody knew who or what they were, except as they claimed or as a surface view of their characters indicated. Instead of taking to the highway and magnanimously calling upon the wayfarer to stand and deliver, or to the fashionable larceny of credit without prospect or design of paying, some unscrupulous horse-doctor would set up his sign as 'Physician and Surgeon,' and draw his lancet on you or fire at random a box of his pills into your bowels, with a vague chance of hitting some disease unknown to him, but with a better prospect of killing the patient, whom or whose administrator he charged some ten dollars a trial for his marksmanship"

these terrific diseases, but they promise to restore the constitution to its youthful vigor and health, and even fortify it against any deleterious influence except old age. Even old age itself shall make but few and tardy steps. All this is swallowed with avidity by the weak, the credulous and the ignorant. They shut their eyes and stop their ears until the sad catastrophe of death or decrepitude reveals their own temerity.

* * * * *

"Quackery and empiricism in every age has been essentially the same. A quack is a demagogue. He relies for success upon the same kind artifices with all other demagogues, whether political or otherwise. He flatters the vanity, caresses the weakness and strengthens the prejudices of the great mass of people. He is one of the *people*; he lives for the good of the *people*; he has their welfare nearest his heart; his whole object is to protect them from the tyranny of science, to guard them from placing confidence in learned and skillful physicians, who have devoted their whole time and talents to the study and improvement of a noble profession, and are not of the *people*, but are combined *against the people* to enslave them while living and inherit their effects when dead. Empiricism has always been the same—a compound of libels upon science and virtue, of ignorance, effrontery, and falsehood."

Dr. Monette died in the prime of his life, without reaping the full fruits of his years of unremitting toil. A plain slab of marble in the family burying ground at his old home, "Sweet Auburn," in Washington, Miss., bears the following simple inscription:

SACRED

TO THE MEMORY OF

JOHN WESLEY MONETTE, M. D.,

BORN APRIL 5, 1803.

DIED MARCH 1, 1851.

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BOOK FIRST.

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BOOK THIRD.

THE DELTA OF THE MISSISSIPPI.

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PUBLIC SERVICES OF E. C. WALTHALL.

BY ALF. W. GARNER.¹

Among Mississippi's many public servants few have served her more unselfishly and faithfully than did Edward C. Walthall. It mattered not whether at the bar, on the battle-field, or in the senatorial chamber, her best interests ever found in him an able and fearless champion.

On April 4, 1831, in the State of Virginia, "the mother of great men," and in the historic city of Richmond, E. C. Walthall was born. He was descended from an old and honorable family. While a small boy his parents moved with him into the State of Mississippi. He was educated at the Academy of St. Thomas, Holly Springs, a school which took first rank among the educational institutions in Mississippi at that time. At an early age he began reading law. In his twentieth year he was admitted to the bar and began practicing his profession at Coffeeville, Mississippi. His early success as a lawyer was marked, and after practicing four years he was elected District Attorney. His first election occurred in 1856, and in 1859 he was re-elected to the same office, which position he held until the spring of 1861, when he resigned to enter the Confederate army. The duties of District Attorney were discharged by him in a manner highly creditable to himself, pleasing to the law-abiding lovers of justice, and with a thoroughness that struck terror into the minds of transgressors.

In 1861 when the civil war broke out he saw his services as a successful prosecuting attorney sink into insignificance in comparison with the great usefulness that he might perform in the

¹ Alfred William Garner was born at Topisaw, Pike County, Miss., in 1878. After attending the common schools of the county he entered the State Agricultural and Mechanical College at Starkville, from which institution he was graduated in 1901. He then taught in the public schools of Tylertown and Wesson and was principal of the high school at Mount Herman, La., in 1903-04. He was a graduate student in History and Political Science at the University of Illinois in 1904-05 and at the University of Chicago in 1905-06. He held a scholarship in the latter institution and received the Master's degree therefrom in 1906. At present he holds the chair of History and English in Simmons College, Abilene, Texas.—EDITOR.

field. Accordingly in the spring of that year he resigned as District Attorney and tendered his services, as already stated, to the Confederate authorities as First Lieutenant of Company H, Fifteenth Mississippi Regiment. His gallantry on the field soon led to his rapid promotion. On the 15th of June he was elected Lieutenant-Colonel of his regiment. It was while serving in this capacity that he participated in the battle of Mill Springs, or Fishing Creek, Ky., and for the first time exhibited those qualities of coolness, self-possession, courage and resourcefulness in the face of confusion and disaster that afterwards became so characteristic of his conduct on the battle-field. At this battle the commanding general had fallen and the untrained soldiers were in a state of the wildest confusion. The whole army was saved from great disaster only by Walthall's holding his men in line and throwing them in the face of the foe. Not long after this Lieutenant-Colonel Walthall was made Colonel of the Twenty-ninth Mississippi, and in December, 1862, he was made Brigadier-General. At the battle of Chickamauga his division took part in the thickest of the fight. It is stated that 32% of his command were killed in this engagement. At the battle of Missionary Ridge the destruction of the Confederate army was prevented by Walthall, who, though wounded, kept his command, held his men in line and sheltered the defeated Confederate army from the attacks of the Union soldiers until they could withdraw in good order. It is said that when the army was safe Walthall had to be lifted from his saddle, so painful had become his wound. In that fearful battle of Franklin, Tenn., where it is estimated by some that six thousand out of sixteen thousand Confederates went down, Walthall's division was in the front rank. At the battle of Nashville the Confederates were defeated, and when the question of how the capture of the Confederate army could be prevented was being seriously considered by the Confederate commanders, Forrest said to Hood, "Give me Walthall to command a division of infantry and I promise that the army shall retreat in safety." The army was saved and how much Walthall contributed to this fact is too well known to be repeated here. "Moreau's successful retreat through the Black Forest was more glorious than the victory of Hohenlinden, so this retreat shed as imper-

ishable glory upon Forrest and Walthall as any won by their most splendid victories." At the battle of Lookout Mountain Walthall held at bay General Hooker's division with such dogged tenacity that his conduct was characterized by General Bragg as "desperate," and by General Thomas as "stubborn."

General Walthall took part in all the important battles from Missionary Ridge to Atlanta. In June, 1864, he was promoted to the rank of Major-General. In the last days of the war his men lined up for battle at Bentonville, North Carolina, when all hope for the South was gone. He stated that no event in his life had ever touched him so much as when he rode down the line that day and the familiar cheer burst forth from the tattered remnant of his old division, while every one in the division knew that the Confederacy was hopelessly doomed to defeat.

General Walthall was kind to the men who served under him. It is said that after the battle of Nashville one cold night he wrapped the last blanket that he had around a wounded soldier, and spent the night himself on the frozen ground without any shelter whatever, and from that day on he was never a stout man. Gen. Joseph E. Johnston declared that if the Confederate war had lasted two years longer General Walthall would have been chosen commander of all the Confederate armies.

At the close of the war General Walthall returned to Coffeeville, Mississippi, and resuming his law practice remained at that place until 1871, when he removed to Grenada. He served as a delegate to the Democratic National Conventions of 1868, 1876, 1880, 1884 and 1896, and was vice-president of the convention of 1868 and chairman of the Mississippi delegation in the other four.

In 1885, when President Cleveland made Senator Lamar Secretary of the Interior in his cabinet, Governor Lowry appointed General Walthall as his successor in the United States Senate. That this appointment was a popular one is shown by the fact that several subsequent Legislatures made the same choice. General Walthall was eminently fitted to succeed Lamar. It is very doubtful whether his toga could have passed to the shoulders of any other Mississippian who was so well

qualified to take up and to continue the great work of Senator Lamar. There existed between these two men such a "firm and true" friendship that it was said to be difficult to tell whether Lamar partook most of Walthall or Walthall of Lamar. In this friendship Lamar found great inspiration and support. In a letter written in 1868 he said to General Walthall:

"Do you know that but for you I could not keep up? I would have given up long ago and never made an effort."

Senator Walthall took his seat in the United States Senate on the 12th of March, 1885, in the first session of the Forty-ninth Congress. Among the prominent Senators who served with him were Hoar of Massachusetts, Cullom of Illinois, Spooner of Wisconsin, Vest of Missouri, Gorman of Maryland, Colquitt of Georgia, Morgan of Alabama, Allison of Iowa, Teller of Colorado, Bate of Tennessee, Edmunds of Vermont, Cockrell of Missouri, George of Mississippi, and Ingalls of Kansas.

Upon taking his seat Senator Walthall was assigned to the Committee on Civil Service and Retrenchment, Education and Labor, Manufactures, Military Affairs, and Public Lands. He served on the Committee on Military Affairs throughout the entire time that he was in the Senate, becoming chairman of it during the first session of the Fifty-third Congress.

During this session Senator Walthall introduced bills to transfer Attala County to the eastern division of the northern judicial district; to classify and fix the salaries of registers and receivers of United States land offices; to require the New Orleans, Mobile & Texas Railroad Company to construct and maintain a suitable draw in that company's bridge across the West Pascagoula River in Mississippi; to amend an Act for the construction of a public building at Oxford, Mississippi; to construct a national road to the cemetery at Corinth, Mississippi; to authorize the Mississippi & Louisiana Bridge Company to construct a bridge at Natchez. He also introduced a great number of private bills and presented a number of petitions praying for legislation on various subjects.

The first important speech delivered in the Senate by Senator Walthall was made May 10, 1886, on Interstate Commerce. This speech occupies several pages in the *Record*, and while Mr.

Walthall was opposed to giving the power of fixing rates to a commission, he declared himself emphatically in favor of Congressional supervision and control of the great railroad companies doing business among the States. He took the position that even though the railroads were not oppressing the people in their dealings with them, Congressional control was necessary from the simple fact that such oppression in the absence of legal restraints was possible. He showed that it was utterly impossible for the States to control these huge corporations, owing to the fact that nearly every railroad of any importance was engaged in interstate traffic, which constitutionally belongs under the control of Congress. Speaking of the great wealth controlled by these railroad companies, and the power and influence they exert throughout the country, he said in part:

"Their lines to-day stretch out 140,000 miles and their ownership is estimated to equal one-sixth of the entire possessions of all the people living under our government. To this many millions are being added yearly by the construction of thousands of miles of new road. It has not been many years since all the railroad property in the Union was worth less than the amount of this yearly addition.

"The people pay these companies over \$800,000,000 a year for transportation and the commodities transported run up to fifteen billions a year in value. It is estimated that 800,000 men are employed in constructing and operating these railroads. Some of these companies have more patronage to bestow than a cabinet officer, and some of their presidents have been paid larger salaries than the President of the United States. Many of them receive and distribute vastly more money per annum than passes through the treasury of many of the States of this Union."²

He also made remarks of minor importance during this session on the suspension of the public land laws.

During the second session of the Forty-ninth Congress, which met in December, 1886, Senator Walthall was excused from serving on the Committee on Manufactures. He was appointed conferee on the part of the Senate on the disagreement over a bill to forfeit the land grants of the New Orleans, Baton Rouge & Vicksburg Railroad. He introduced during this session a joint bill to have the quarantine station removed from Ship Island and offered an amendment to a river and harbor bill. He also reported about eighteen bills to the Senate from the various committees of which he was a member.

²Record, *Forty-ninth Congress*, first session, p. 4307.

At the beginning of the Fiftieth Congress, which met in December, 1887, Senator Walthall was reassigned to his old committees with the exception that he was transferred from the Committee on Education and Labor to that on the Improvement of the Mississippi River and its Tributaries. He was also appointed at least seven times in the course of this session on committees to confer with House committees on disagreements over various measures. Likewise he was appointed to attend the annual examinations of the cadets at the United States Naval Academy at Annapolis, which took place in April, 1888. Besides the reintroduction of most of the measures which he had placed before the Senate during the previous session, Senator Walthall introduced a bill to withdraw the public lands of the United States in Mississippi from sale at ordinary private entry, and to restrain the disposal thereof under general statutes to homestead settlers. This bill was of vital importance to the people of Mississippi, since its object was to put a stop to the action of the great syndicates in gobbling up the public domain as a mere investment with no intention of settling on this land and becoming citizens of the State. He offered amendments to bills on war claims, river and harbors, and to a bill forfeiting certain railroad land grants, the latter of which deeply concerned the people of Mississippi who had settled along the proposed route of the Gulf and Ship Island Railroad. As early as 1856 the United States had granted to the State of Mississippi certain lands to aid in the construction of the Gulf & Ship Island Railroad, provided that the road should be completed at a fixed time. The time limit for the completion of the road had long since expired and many settlers had pre-empted in good faith much of this land. While a bill was pending to forfeit all land grants to aid in the construction of railroads it was so amended as to extend the grant made to aid in the construction of the Gulf & Ship Island Railroad until the road could be completed and the land redeemed by the company. Senator Walthall was quick to see that if such a bill was allowed to pass as it then stood, the settlers on this land would find that the Gulf & Ship Island Railroad Company had titles to their homes, so he amended the bill to confirm the title of every settler on the land who had complied with the pre-emption and homestead laws.

During the course of this session Senator Walthall made remarks on the Fort Brooks Reservation bill, railroad land grants, and the Vicksburg public building, and also participated in a short debate on the New Bern Cemetery Road. The most important speech made by him during this session, and one of the ablest that he ever made in the Senate, was on the Municipal Election of Jackson, Mississippi. This speech fills twenty columns in the *Record* and is an able exposition of the race question. Briefly stated, the matter got before the Senate in the following way: In the municipal election of Jackson, Mississippi, in the year 1887, the Republican candidate for mayor was defeated and a Democrat elected in his stead. Some Republicans of the State sent a letter to a prominent Republican Senator in which it was alleged that the negro Republicans of Jackson had been deprived of their constitutional right of suffrage by fraud and intimidation, and prayed for an investigation. A committee was appointed to investigate the matter, and when they made their report Senator Walthall took the floor. He declared that it was a permanent feature of Republican policy to bring before the United States Senate from time to time the internal affairs of the Southern States. He declared that such tactics had been followed both in 1876 and 1884 for the purpose of defeating the Democratic party in the Presidential elections. He asserted that the people of Jackson had only put forth a righteous effort to rid themselves of one of the most inefficient and corrupt administrations that had ever afflicted an American community, and appealed most eloquently to his Anglo-Saxon brethren to bear in mind that the only step in the evolution of the colored man before he was made a citizen was from barbarism to slavery, and to cease the vain effort to try to place him above a race whose evolution extends through many centuries of experiment, sufferings and trials. He said:

"I do not believe that there is a Senator here who would not if he lived in the State of Mississippi put forth all his powers to avert the horrors of black supremacy and save his own people if he could from the calamities of such a curse. I do not believe that there is a white community in any Northern State who, if in our condition, would tamely and meekly submit to a reign of ignorance and venality under which honorable white men of intelligence and substance would be excluded from all high places of official trust in the State and all the possessions and most sacred interest

of their race brought under the rule of uneducated, undisciplined and irresponsible negroes."³

He frankly admitted that there were no few afflictions and grievances in the South as a result of the presence in that section of two different races, but he insisted that Federal enactments would only aggravate the trouble and that their cure must be left to the healing effects of time and patience.

During this session Senator Walthall made a rather elaborate speech in the case of Henry J. Fanz, of Aberdeen. The people of Aberdeen had burned Procter, the Secretary of War, in effigy for not giving orders to have the flag lowered on the date of Jefferson Davis' death. During the performance Fanz cut the rope by which the effigy was suspended, for which, as he claimed, the citizens assaulted him and treated him in a brutal manner. The United States Marshal made a complaint to the Attorney-General at Washington, and while a resolution was before the Senate calling on the Attorney-General to lay the complaint before the Senate, Senator Walthall made his speech. He vigorously denied the power of the Senate to call for the report. The resolution was defeated through the efforts of Senators Walthall and George, who also spoke against it.

During the second session of the Fiftieth Congress, which assembled in December, 1888, Senator Walthall introduced an amendment to a bill for the allowance of certain claims for stores and supplies taken and used by the United States army. He also introduced a resolution instructing the committee on the Judiciary to inquire into the propriety of amending the existing laws in regard to the jurisdiction of the Circuit Courts of the United States. The introduction of a number of bills of a private character and the reporting of several bills from the different committees on which he served completed his work of this session.

While serving in the Fifty-first Congress, which met in March, 1889, Senator Walthall was reassigned to his old committees. In the first session of this Congress he re-introduced three bills which he had previously introduced, together with twenty-one private bills, offered an amendment to a bill to forfeit railroad land grants and reported about twenty-eight bills to the

³Record, *Fiftieth Congress*, first session, p. 7982.

Senate. He was appointed no less than seven different times during the session to confer with committees from the House on disagreements. Bills for appropriation for fortifications; forfeiture of railroad land grants; tents for flood sufferers and for the purchase of Townsend's library, were all made subjects of remarks by him during this session. He also took part in a debate on the overflow of the Mississippi, in which he used his wit to the discomfiture of his adversary, Senator Stewart. Concerning the best method of preventing the overflow of the Mississippi, Walthall was of course in favor of the levee system, while Senator Stewart insisted on the outlet system, that is, that the channel at the mouth of the river should be deepened. In support of this theory Senator Stewart stated that the mouth of the river should be made deeper, that the trouble with every stream on earth, that had been examined, was that it builds a dam for itself when it widens out in connection with the ocean, and thus valleys are formed. He claimed that the Nile had built itself out many miles; a large part of the Mississippi has built out for many miles, and the Po has done likewise. In the course of his reply Senator Walthall said:

"I simply want to suggest to the Senator that his question has spread out a good deal like the mouth of the Mississippi [laughter]. There are shoals in it, and if he would make it a little more pointed and direct I should be obliged to him. I would like him to narrow it a little."⁴

During the second session of the Fifty-first Congress, which convened in December, 1889, Senator Walthall was placed on a select Committee on Indian Depredations. He was also appointed with five other members of the Senate to attend the funeral ceremonies of General W. T. Sherman. He was also again honored with the appointment to attend the annual examinations of the cadets of the Military Academy at West Point.

In the course of the session he spoke on Mississippi suffrage, apportionment of Representatives, bridges, and a pension to Wilting. His greatest speech of the session, however, was on the proposed General Election Law. Senator Walthall, in opposing the measure, declared that while it was general in its provisions, the South was the objective point at which it was directed, and that it encouraged the negro race to contend with

⁴*Record, Fifty-first Congress, first session, pp. 3919, 3920, 3921.*

the whites for the mastery in politics. He stated that such a measure would result in the drawing anew of the partially obliterated color line in Southern politics, excite the white man's apprehension of negro dominion and strengthen his efforts to prevent it and revive in the credulous and impulsive negro hopes of power that could not be fulfilled. He again acknowledges that the South has before her a great and difficult problem as a result of the presence of the negro. To prove this he quotes the following from Senator Hoar, of Massachusetts:

"I make them [remarks concerning the South] with full knowledge of the difficult problem that awaits us, and the problem that especially concerns our friends south of Mason and Dixon's line. We will pour out our money like water; you may tax us by the millions, or the thousand millions, if it is needed to give these people intelligence which is necessary to fit them to live with you as citizens."⁵

When the Fifty-second Congress convened in December, 1891, Senator Walthall was, as usual, reassigned to his old committees with the exception of the Committee on Indian Depredations, which had served its purpose and no longer existed. He introduced in this Congress a bill to authorize the Legislature of Mississippi to sell or lease the lands heretofore appropriated to the use of schools within the Chickasaw cessions, and to ratify the sales already made. He introduced also a resolution directing the Committee on Privileges and Elections to inquire into and consider whether legislation was not necessary to settle questions that have arisen from time to time concerning the time and manner of holding the elections for United States Senators. He reintroduced several bills that had been introduced by him on previous occasions, besides seven or eight private bills.

He made remarks during this session on the Chickasaw land cessions in Mississippi, on the treaty rights of aliens, and delivered a eulogy on the life and character of Preston B. Plumb, late Senator from Kansas. It was during this session that Justice L. Q. C. Lamar died, and his life and character was also made the subject of a speech by General Walthall in the Senate.

In the Fifty-third Congress, which met March 4, 1893, Senator Walthall was appointed to membership on the Committee

⁵Record, *Fifty-first Congress*, second session, p. 367.

on the Organization, Conduct and Expenditures of the Executive Department. He was made chairman of the Committee on Military Affairs, on which committee he had rendered able service ever since his entry into the Senate. The Vice-President also appointed him a member of the Board of Directors of the Columbia Institute for the Deaf and Dumb. He introduced while serving in this Congress a bill to dedicate Chickamauga Park. This being the year of the great panic and the "free silver craze," it is not at all surprising that the money question occupied no little amount of Senator Walthall's time and attention. His first duty along this line consisted in presenting a memorial from the Mississippi Legislature praying for the repeal of the Sherman silver purchasing clause in the Act of July 14, 1890. He also had to make the proper disposition of a number of private petitions praying for similar action. The greater part of his time, however, expended on this subject was no doubt consumed in the preparation and delivery of an exhaustive speech on silver bullion. He made talks of minor importance during this same session on the dedication of the Chickamauga Park and on deserted land entries.

Senator Walthall seems to have entered upon the duties of the second session of the Fifty-third Congress in a state of broken health. Despite this fact he was active in bringing things to pass. He introduced a bill to indemnify Mississippi for the failure of a title to a township of land intended to be granted to her on her admission into the Union, and a bill to regulate enlistments in the army, and a joint bill to relieve the employes of the Record and Pension office, who were injured in the Ford Theater disaster, from the law restricting the amount of sick leave with pay that may be granted by the heads of departments. Senator Walthall was too conscientious to hold an office when he thought that its duties might be better performed by some one else, accordingly when he thought that his feeble state of health was interfering with his duties he determined to make room for his successor. So on January 18, 1894, the Chair "with serious regret" was called upon to lay before the Senate his resignation, to take effect on the 24th day of the same month.

When Senator Walthall resigned he lacked about fourteen months of having served out the second term to which he had been elected by the Legislature in January, 1888, to a term ending March 3, 1895. In 1892 the Legislature had elected him to a third term ending March 3, 1901, so his successor in 1894, Senator McLaurin, served only in the third session of the Fifty-third Congress, which met in December, 1894, and ended March 3, 1895. At the opening of the Fifty-fourth Congress on December 2, 1895, Senator Walthall resumed his seat and entered upon the duties of a third term for which he had been elected in spite of the fact that he had written a public letter refusing to become a candidate. At the opening of this session he was assigned to the Committees on Finance, on Geological Survey, to a select committee for the establishment of a University of the United States, and to two other committees on which he had already served. Again he was made one of the Directors of the Institute for the Deaf and Dumb. In the course of this session he introduced bills to amend an Act incorporating the Capital Railroad Company, a bill for the equalization of land grants for educational purposes, and at least a half dozen private bills. He presented eight petitions to the Senate, reported fifteen bills from committees of which he was a member, and made brief remarks on a site for the Biloxi Hospital, the Capital Railroad Company, and the Indian appropriation bill.

During the second session of the Fifty-fourth Congress, which met December 7, 1896, Senator Walthall was appointed by the Vice-President to attend again the annual examinations of the cadets at the Military Academy at West Point.

At the opening of the first session of the Fifty-fifth Congress, which convened on March 4, 1897, Senator Walthall was made Chairman of the Committee on Revolutionary Claims. He also enjoyed the distinction of being one of the members of the committee appointed in the Senate to attend the ceremonies on the occasion of the presentation of the tomb of General Grant to the city of New York. He introduced during this session bills to amend an Act restoring to the public domains lands in Mississippi and Alabama not needed for naval purposes, to relieve the owners of cotton shipped on the steamer *Gladiator*, and to

allow a bridge to be built across Pearl River. He made speeches of minor importance on the Pearl River bridge and on increasing the tariff on soda ash.

When the second session of the Fifty-fifth Congress opened in December, 1897, the remaining part of Senator Walthall's senatorial career was but brief, for before this session closed death visited the senatorial chamber and claimed him for its victim. Before his death, however, he offered an amendment to a sundry civil service bill and reintroduced a bill to amend the charter of the Capital Railroad Company. He offered a motion calling for the report of the supervising surgeon of the Marine Hospitals, and one to investigate the question of the removal of the quarantine station from Ship Island. He also presented to the Senate a memorial from the Legislature of Mississippi praying for the United States to intervene in the war between Spain and Cuba. He also delivered a eulogy on the life and character of Senators I. G. Harris and J. Z. George. His last appearance in the Senate is said to have been on the 7th of April, when he delivered a eulogy on the character and services of Senator George. His physicians and friends advised him not to venture to the Senate chamber that day, so feeble was he, but with death itself almost staring him in the face, and with a sense of duty uppermost in his mind, he repaired to the Senate, and uttered an able eulogy on the life and character of the "Old Commoner." Thus he put a finishing touch to his senatorial career, for within two weeks of that time he lay dead in his hotel. He died on April 21, 1898, the day that Congress fixed as the beginning of the Spanish-American War.

When Senator Money announced on April 22d the death of Senator Walthall a resolution expressing "profound sorrow" was adopted, and as a further mark of respect the Senate adjourned. On the following day at 12 o'clock sharp the members of the House, the diplomatic corps, the Justices of the Supreme Court and the President of the United States with the members of his cabinet assembled with the Senators in the Senate chamber and in the presence of the casket that contained the remains of Mississippi's great soldier and statesman, a fervent prayer was offered by the chaplain and the funeral rites of the Episcopal Church were performed by several emi-

nent clergymen. A committee was then appointed to accompany the remains to their final resting place at Holly Springs, Mississippi.

On the days set aside for paying tribute to the memory of Senator Walthall the following persons spoke in eulogy of his life and character: Senators Money, Hawley, Berry, Spooner, Gray, Gorman, Cockrell, Bate, Bacon, Pettus, and Representatives Allen, Spallding, Williams, Henry, Fox, Spight, Boutelle, Bartlet, McLain and Myer.

As a Senator General Walthall ranked high. His wisdom, his fairness, his conservatism, his fine courtesy and chivalric manners won for him the confidence and respect of even those members whose political faith differed from his own. This fact is borne out by the testimony of many who served with him. Senator Spooner of Wisconsin, his personal friend, in speaking of him, said:

"I never met one in whose personal loyalty I had more implicit trust or into whose care I would more willingly commit my honor or my life. "Calm, self-contained, thoughtful, always considerate of others, charitable in his judgments, tolerant of differences of opinion, making due allowances for the influences of tradition, association, the prejudices of environment and all the factors which enter into life, he was a character rare in its evenness and perfection. * * * It is no disparagement of others to say of him that from the South has come no man who in fuller measure answered to the old-time romantic ideal of the best type of the Southern gentleman than did Senator Walthall."

Senator Gray of Delaware, speaking of the great worth of Senator Walthall, among other things, said:

"There is no contribution that Mississippi could have made to the nation that could have compared in enduring value to that of the character of her great soldier and statesman. * * * And no State in the great sisterhood of States can fail to realize the bright hopes of a high destiny that breeds such men and builds such character."

He was always just and impartial in his dealings with matters that came before him for settlement. Senator Hawley, who served with him almost twelve years on the Committee on Military Affairs, speaks of him in the following terms:

"His judgment was sound, his temper perfect. Before that committee [on Military Affairs] came many cases of erroneous record to be corrected—cases of injustice, owing to the haste and carelessness or momentary petulance, new evidence that failed to reach a court martial, etc., almost without end. In his treatment of all such matters no stranger coming as a casual observer could have discovered on which side of the great war he had arraigned himself."

Senator George F. Hoar of Massachusetts, who represented the highest and best traditions of the Senate, speaks in the highest terms of Senator Walthall. In attempting to describe the high esteem in which Senator Walthall was held by the great Massachusetts Senator, I can do no better than quote him. He says:

"If I were to select the one man of all others with whom I have served in the Senate, who seems to me the most perfect example of the quality and character of the American Senator, I think it would be Edward C. Walthall of Mississippi. I knew him personally very little. I do not now remember that I ever saw him except in the Capitol or in the Capitol grounds. I had, I dare say, some pleasant talks with him in the Senate chamber or the cloak room. But I remember little of them now. He rarely took part in debate. He was a very modest man. He left to his associates the duty of advocating his and their opinions, unless he was absolutely compelled by some special reason to do it himself. When he did speak the Senate listened to a man of great ability, eloquence and dignity. I once heard him encounter William M. Evarts in debate. Evarts made a prepared speech upon a measure which he had in charge. Walthall's reply must have been unpremeditated and wholly unexpected to him. I think Evarts was in the right and Walthall in the wrong, but the Mississippian certainly got the better of the encounter."⁸

Personally Senator Walthall was very handsome, dignified in bearing, imposing in manner, neat in dress, eloquent in speech, patient in opposition and never wounded the feelings of an adversary. With the exception of the gifted Lamar Mississippi never had a representative in the upper House of Congress who commanded in such a rare degree the admiration and respect of all his colleagues or wielded more influence in legislative matters. This is the uniform testimony of his contemporaries.

⁸ Hoar's *Autobiography of Seventy Years*, Vol. II, p. 189.

MONROE'S EFFORTS TO SECURE FREE NAVIGATION
OF THE MISSISSIPPI RIVER DURING HIS MISSION
TO FRANCE, 1794-96.

BY BEVERLY W. BOND, JR.¹

The long struggle to secure free navigation of the Mississippi River forms a most important incident in the early history of the United States. While Spain held Louisiana long diplomatic negotiations took place before any settlement was reached. It is not generally known that James Monroe, during his first mission to France, 1794-96, extended most important aid in securing the treaty, concluded between the United States and Spain in 1795, which opened up the Mississippi River.

While criticising Monroe most severely for his conduct as Minister to France, Schouler and other historians of the period pass over in silence this efficient work. Much light has recently been thrown upon this subject by the Diplomatic Archives of the Department of State, and by the voluminous Monroe correspondence in the Congressional Library. Of these sources only a part has been published. Even Monroe's biographers have used this great mass of material only sparingly, if at all. This paper, based upon these manuscript sources, will undertake to show the extent of Monroe's influence upon the negotiations with Spain. Before doing so, it is necessary to review the general situation previous to his entrance upon the scene.

¹Dr. Beverly W. Bond, Jr., was born in Blacksburg, Va. The Bond family is one of the oldest colonial families of Maryland. Its members are well known for their intellectual capacity. The mother of the subject of this sketch is a descendant of Col. Zadock Magruder, one of the Revolutionary heroes of Maryland.

Dr. Bond was educated for the most part in private schools. In 1900 he received the degree of A. B. from Randolph-Macon College, and in 1901 the degree of A. M. from the same institution. In 1905 he received the degree of Ph.D. from the Johns Hopkins University. While a student in the latter institution he received a prize of fifty dollars which was offered by the Woman's Auxiliary of the Massachusetts Civil Service Reform Association to the students of the leading colleges and universities of the United States for the best essay on some phase of the subject of Civil Service Reform.

Dr. Bond filled creditably the chair of Assistant Professor of History in the University of Mississippi during the session of 1905-1906. He is now Professor of English and Acting Professor of Economics and Civics in the Southwestern Presbyterian University, Clarksville, Tenn.—EDITOR.

The treaty of 1763 by which France ceded Louisiana to Spain guaranteed to all British subjects the free navigation of the Mississippi River for its entire length. The Peace Treaty of 1783 confirmed this right to citizens of the United States as well as to all British subjects.² The Continental Congress in 1785 appointed John Jay plenipotentiary to Spain to negotiate a treaty establishing this right. But the Spanish Premier Gardoqui, asserted that England could not give away such a privilege, and that, therefore, the claim of American citizens to navigate the Mississippi River was ill-founded.³ An agreement was made between Jay and Gardoqui that American vessels should convey goods down the river to a fixed point where a magazine was to be established. There Spanish boats would meet them to cover the rest of the distance to New Orleans. Whether sea-going vessels might convey these products from this port was to form the subject of future negotiations.⁴ This agreement was not confirmed either by the United States or by Spain. The same fate met a proposed treaty which resigned for twenty-five years the right of the United States to free navigation. A very annoying situation therefore arose. For all practical purposes American citizens possessed no rights of navigating the Mississippi River through Spanish territory.

With the growth of the Western country the necessity for free navigation greatly increased. Unless produce was carried by the difficult routes over the Alleghany Mountains, or by the Great Lakes, the Mississippi was the only outlet. Also there was great need for some port on the lower Mississippi at which American goods might be transferred from the small river craft to ocean-going vessels without the payment of special duties. By onerous tolls and restrictions placed upon American vessels descending the Mississippi, the Spanish governors evinced their hostility to the United States. The rapid increase in production made such a condition so intolerable that Kentucky and Tennessee even threatened to secede. Spain tried to take

²Memoir of Thos. Pinckney, August 10, 1795, *American State Papers*, Vol. I, p. 536.

³Jay's Commission, July 21, 1785; Gardoqui to John Jay, May 26, 1786, *American State Papers*, Vol. I, pp. 248-49.

⁴Carmichael and Short to Secretary of State, April 18, 1793, *American State Papers*, Vol. I, pp. 248-49.

advantage of the situation in order to stir up rebellion against the United States.

To remedy this situation, January 11, 1792, Washington nominated Wm. Carmichael and Wm. Short Commissioners to negotiate with Spain a treaty for the free navigation of the Mississippi by American citizens, and for the use of a Spanish port thereon.⁵ Upon their arrival they found Gardoqui much disinclined to meet their propositions. Instead he proposed again the unconfirmed agreement he had made with Jay.⁶ As these terms were altogether unacceptable, the negotiations greatly lagged. As late as January, 1794, two years after the appointment of the commissioners, the Spanish Government still evinced an utter indifference to a settlement of the question of the navigation of the Mississippi River.⁷

The non-success of the commissioners to Spain produced much discontent in the United States. Goaded to fury by the little attention which they believed had been paid to their interests, the inhabitants of the Western country proposed to assert their rights to free navigation by force. In the spring of 1794 Gen. Geo. Rogers Clarke attempted to form an expedition with large detachments from Kentucky and the back country of South Carolina which should march south and open the Mississippi to their vessels. The men engaged for the service were promised bounties from the lands in East and West Florida, which, it was hoped, would be conquered from the Spaniards. The iron works in Kentucky cast cannon for the invasion, while citizens of Lexington subscribed to defray the expenses of the proposed expedition.⁸ The prompt action of the government in calling upon the Governor of Georgia to use the militia of that State, if necessary, prevented the realization of these plans.⁹

This incident illustrates the current sentiment of the Western country at this time. They were determined to find a natural

⁵ *American State Papers*, Vol. I, p. 137.

⁶ Carmichael and Short to Secretary of State, April 18, 1793, *American State Papers*, Vol. I, pp. 248-49.

⁷ Carmichael and Short to Secretary of State, January 7, 1794, *American State Papers*, Vol. I, pp. 440-42.

⁸ Constant Freeman to Secretary of War, May 14, 1794, *American State Papers*, Vol. I, p. 460.

⁹ Secretary of War to Governor of Georgia, May 14, 1794, *American State Papers*, Vol. I, p. 460.

outlet through the channel of the Mississippi River, and, if the Federal Government would not secure it for them, they would force it for themselves. On the other hand, the commissioners seemed to be unable to get any definite assurances from the Spanish Government. So, while the American Government was exerting itself to restrain the increasing indignation of the Western people at the injustice with which they appeared to be treated, in Madrid there was a deadlock. Such was the situation when, on May 23, 1794, James Monroe received his credentials as Minister to France. This appointment marks the entrance of a new and forcible element into the Spanish negotiations. France having become the dominant Continental power, it was obvious that she would soon compel Spain to sue for peace. If, at the same time, France, as the ally of the United States, would bring pressure to bear, the American administration believed that Spain might be induced to settle the navigation controversy. The instructions to Monroe therefore had advised him that France might be instrumental in securing the free navigation of the Mississippi River. Especially had it been suggested that by contriving to be made the medium in the coming negotiations between France and Spain, he might obtain the much needed French help.¹⁰

Upon his arrival in France Monroe became firmly convinced of the great danger to the United States in a definite peace between France and Spain without provision for the free navigation of the Mississippi River by American citizens.¹¹ He held himself ready to take advantage of the slightest pretext to present the Mississippi controversy to the attention of the French Government. A favorable opening was soon offered. Two letters from Gardoqui, the Spanish Premier, asked Monroe to procure for him passports into France that he might take certain baths. Monroe rightly concluded that this request was a mere blind to open communication between France and Spain. He at once submitted the correspondence to the French Government, notifying Gardoqui of his action, and referring him to the Committee of Public Safety.¹²

¹⁰ Instructions to Monroe, *American State Papers*, Vol. I, pp. 668-69.

¹¹ Monroe to Secretary of State, November 20, 1794, *Monroe's Writings*, Vol. II, pp. 117-24.

¹² Monroe to Committee of Public Safety and to Don Diego de Gardoqui, November 13, 1794, *Monroe's Writings*, Vol. II, pp. 109-12 and 127.

This incident afforded Monroe the very opportunity for which he had waited in order to press upon the French Government the claims of the United States with respect to the Mississippi. In observations submitted to the Committee of Public Safety he showed the importance of free navigation of the Mississippi to a very large section of the United States. As a loan from the United States had been officially suggested, he intimated that a considerable sum might be obtained provided France would give satisfactory assurances to consider American interests in negotiating with Spain.¹³ Mindful of Monroe's aid in the Gardoqui affair, the French Government in reply assured him of its full intention to obtain for the United States the free navigation of the Mississippi.¹⁴ This response shows that Monroe had at length obtained a powerful ally for the American negotiations with Spain.

Early in 1795 news of the conclusion of a treaty by Jay with Great Britain caused a decidedly chilly demeanor on the part of the French Government. The secrecy observed in regard to the provisions of the treaty until after its ratification by the Senate in the following June increased this coldness. Monroe, while endeavoring to avoid any rupture with France, still tried to secure French aid for the American negotiations at Madrid. In a memorial to the Committee of Public Safety he again represented the situation of the Mississippi Valley and the dependence of a large section of the United States upon free navigation as the only feasible means of commercial intercourse. To attain this he again asked the aid of France during the negotiations with Spain.¹⁵

The Committee of Public Safety merely acknowledged this communication,¹⁶ but later, Citizen Merlin, in charge of diplomatic affairs, promised definitely that the note should receive due consideration. He added, most significantly, that French aid would largely depend upon the course adopted by the American Government toward the Jay treaty, and that between nations,

¹³ *Monroe's Writings*, Vol. II, pp. 193-200.

¹⁴ Monroe to Secretary of State, February 12, 1795, *Monroe's Writings*, Vol. II, pp. 193-200.

¹⁵ Monroe to Committee of Public Safety, January 25, 1795, *Monroe's Writings*, Vol. II, pp. 182-86.

¹⁶ Committee of Public Safety to Monroe, February 8, 1795, *American State Papers*, Vol. I, p. 699.

as between individuals, there should be reciprocity of obligation. These last observations, Merlin took care to say, he gave merely as a private individual.¹⁷ This covert threat gives the keynote to the hesitation of the French Government to aid the United States in the Spanish negotiations. Against the feeling of distrust engendered by the Jay treaty Monroe was obliged continually to struggle.

A further incident aided Monroe still more in calling upon the French Government for aid. So successful had his action in the Gardoqui incident proved that in February, 1795, he was asked to transmit to Madrid two notes which marked the beginning of active negotiations between France and Spain.¹⁸ Availing himself of this incident, Monroe again, on March 8th, recalled to the Committee of Public Safety the demands of the United States; 1st, for the free navigation of the Mississippi River and the full territorial limits guaranteed by the peace treaty of 1783; 2d, for the use by American ships of New Orleans or of some other equally convenient Spanish port. These points he asked them to urge in the course of negotiations with Spain.¹⁹ On handing this note to M. Pelet, of the French Diplomatic Committee, Monroe's messenger assured him that the free navigation of the Mississippi River would be of little real benefit unless a port was granted as well. In reply M. Pelet declared that France would do all in her power for the interest of America in a negotiation with Spain. Later, after being assured that no provisions of the Jay treaty should give uneasiness to the French Government, M. Pelet definitely advised Monroe that the French agent at Madrid had been instructed to secure the points in controversy for the United States.²⁰

This last note of M. Pelet indicates that Monroe had at last succeeded in inducing the French Government to take an active interest in the American negotiations with Spain. This was the last assurance obtained from France on the subject. The

¹⁷ Merlin to Wilmar Skipwith, Department of State, Dispatch No. 4, France, 212.

¹⁸ Monroe to Committee of Public Safety, February 17, 1795, *Monroe's Writings*, Vol. II, p. 206.

¹⁹ Monroe to Committee of Public Safety, March 8, 1795, Department of State, Despatches No. 4, France, 213.

²⁰ J. C. Montflorenc to Monroe, March 9, 1795, Department of State, Despatches No. 4, France, 213-214; Monroe to Secretary of State, March 9, 1795, *Monroe's Writings*, Vol. II, pp. 217-219.

continued secrecy of the Jay treaty had its effect, and the French Government began to evince a marked coolness toward America.

Meanwhile Thomas Pinckney had been appointed minister plenipotentiary to conclude a treaty with Spain. Shortly after his arrival on the continent in the spring of 1795, the changed attitude of France was forcibly illustrated. In notifying the Committee of Public Safety of Mr. Pinckney's journey through France, Monroe offered to send any messages to Spain by him.²¹ No response seems to have been made to this offer. An additional incident, while showing the change of Spanish sentiment, still further indicated the growing distrust of France for the United States. Also in May, Wm. Short, one of the American commissioners at Madrid, wrote that Spain was most anxious for a settlement with France. By the desire of the Spanish premier he asked that Monroe propose to France open negotiations with Spain. This last request could not be granted, since France refused to accept American mediation.²²

These two instances plainly showed that no further aid could be expected. But French pressure upon Spain had already accomplished its object. Upon his arrival Pinckney found that a most favorable disposition speedily to conclude a treaty with the United States was being manifested. Indeed the Spanish Minister, the Duke de la Acudia, declared that the King was willing to sacrifice a part of his rights as a testimonial of his good will toward the United States. Nor was it difficult to discern the cause of this conciliatory attitude, so different from that manifested toward Carmichael and Short. At the first conference with Pinckney the Duke proposed that, as the American and the French negotiations were so intimately connected, they should proceed together. Though this offer was not accepted, Pinckney wrote home that the process of the American negotiations could not have been upon a better footing. This favorable disposition he ascribed to the work of the French commissioners who had very evidently fulfilled the promises to Monroe that France would insist upon a settlement by Spain

²¹ Monroe to Committee of Public Safety, May 22, 1795, *Monroe's Writings*, Vol. II, pp. 284-5.

²² William Short to Monroe, May 4, 1795; Monroe to William Short, May 30, 1795, *Monroe's Writings*, Vol. II, pp. 288-92.

with the United States. As a proof of the influence of Monroe's attitude, the Duke de la Acudia informed Pinckney that the American minister at Paris opposed any accommodation between France and Spain which did not acknowledge the interests of the United States by a guarantee of the free navigation of the Mississippi.²³

With the way thus paved Pinckney finally negotiated the treaty concluded October 27, 1795, which guaranteed to American citizens the navigation of the Mississippi and for three years the use of New Orleans as a free port for the storage of their goods.

The importance of Monroe's work in bringing about this final adjustment is apparent. Some outside influence must have been brought to bear to account for the changed attitude of Spain at the outset of Pinckney's mission. The Spanish minister's avowal of the close connection between the French and the American negotiations, his intimate knowledge of Monroe's attitude toward the conclusion of a treaty between France and Spain, above all Pinckney's own testimony, all show that the representations of the French commissioners had been largely instrumental in the final success of the American negotiations in Spain. Apparently the only other reason for this change of attitude was Spain's fear that, in case of an even closer treaty than that negotiated by Jay between the United States and Great Britain, the former, if hostile, might prove most dangerous to Louisiana. The French aid to the United States was due entirely to the persistence of Monroe, who had worked for the greater part of the time under the most adverse conditions. By his persistent representations of their interests, therefore, Monroe had played a most important part in gaining for the people of the Western country the free navigation of the Mississippi River for its entire length, and the use of New Orleans as a free port of deposit.

²³Thos. Pinckney to the Secretary of State, July 10 and 21, 1795,
American State Papers, Vol. I, pp. 534-35.

A SKETCH OF THE OLD SCOTCH SETTLEMENT AT UNION CHURCH.

By C. W. GRAFTON.

This is the name given to a large section of country in the eastern end of Jefferson County, Mississippi. It extends about twenty miles from west to east, running over into the present county of Lincoln for several miles. Its average width is perhaps ten miles from north to south. It embraces the two Presbyterian Churches of Ebenezer and Union and at a later date two Methodist Churches, Nebo and Galatia. It has figured in civil and church councils for nearly one hundred years.

In 1805, just after the Louisiana purchase, four men with their families came from North Carolina to Tennessee and remained there for one year, thence by way of the Mississippi River they came to Bruinsburg, in Claiborne County. So far as can be found out these were the first settlers in the section known as the Scotch Settlement. These four persons were George Torrey, his son Dongold Torrey, Laughlin Currie and Robert Willis. They made two crops in Claiborne County, and in 1806 settled in Jefferson County, near the present site of Ebenezer Church. They were soon followed by the Gilchrists, Galbreaths and Camerons. A few years later all the country around Union Church, which is twelve miles east of Ebenezer, was filled with Scotch settlers who came mainly from North Carolina. Some of them, it is said, spoke the Gaelic language, and to this day there is extant in one of our homes a book of the Psalms and the Westminster Shorter Catechism in that old dialect. These Scotch people were nearly all Presbyterians and the history of the settlement is mainly a history of the two Presbyterian Churches that were organized at the very beginning of the period. These two churches were Ebenezer and Union Church. Thirty years ago Ebenezer Church was dissolved and the building sold to our Methodist brethren. This was caused by the constant removals from the neighborhood to cities and towns. The records of the old church are not accessible to the writer and therefore details must be omitted from this sketch.

The church was organized in 1811 by Rev. Jacob Ricklaw. During all its palmy days its pastor was the Rev. William Montgomery. It was a church of great wealth and influence. One of its members stated not long ago that in the days of its prosperity it represented property worth a million of dollars. This is not difficult to believe when we recall the names of some of its prominent families. There were the Darden families, including Jesse Darden, Buckner Darden, Samuel Darden and George Darden. There were two or three families each of Camerons, Curries, Montgomerys and Torreys. There were the families of Malcolm Gilchrist, Duncan McArn, J. J. Warren and quite a number of others. Now, when we remember that the soil was in its virgin state, that these men owned a great many slaves and that they were very valuable, we can readily credit the statement concerning the wealth of this part of the Scotch settlement. This section of the county furnished its full share of representatives in the State and County government. George Torrey was for a long time sheriff of the county. His son, W. D. Torrey, and M. M. Currie were at different times members of the State Senate, while Daniel H. Cameron represented his county in the lower house of the Legislature. The people of Ebenezer were refined and cultivated and to them the civil war with its results was exceedingly disastrous. When their slave property was lost their lands became useless. Their splendid carriages, wagons and teams rapidly disappeared. The price of cotton was not remunerative, the old men gradually died and the young men left the farms, so that the glory of this part of the Scotch settlement is mainly in the past. Some of the old houses remain and there are good citizens in the community, but the Scotch element has passed away.

Union Church was organized in 1817 by Rev. Joseph Bullen before the State was admitted into the Union. The earliest settlers came in 1808 and 1810. They were mainly from Robeson County, North Carolina. The pioneer missionaries sent out by the Synod of the Carolinas began preaching here in 1811. After several years Rev. Joseph Bullen gathered the Presbyterian families that had collected from different parts of the country and organized them into a church, which has ever since been known as Union Church. In process of time a postoffice was

established and a village grew up which took the name of Union Church and which at one time was incorporated, with its mayor and other officers. In 1880 the Union Church High School was organized under a liberal charter and has been maintained with more or less success for more than twenty years.

The people in the early days were noted for the simplicity of their manners. They were not wealthy, as were their neighbors of Ebenezer. They were plain, unpretending, honest people. Father Montgomery, who preached so long at Ebenezer, was likewise the pastor of Union Church. He served in this position from 1820 to 1848 and was a most faithful minister. In a marked manner he was punctual in his appointments for this long period of twenty-eight years. Owing to the sickness and death of his daughter he missed one Sabbath day during this period. He was an earnest, self-denying man. On one occasion he declined a large salary offered by the people of Pine Ridge, preferring to give his life to the Scotch people at Union Church. He died in 1848, but his name lives in the memory of our oldest people who speak of him with the deepest veneration.

At a later period in the history of the church his son, Rev. Sam Montgomery, filled the pulpit for seven or eight years. He was a man of great talent, with unusual power as a public speaker. The stories told of his eloquence are remarkable. Thirty years ago the writer saw him in the pulpit, and though he was infirm in body and in declining years, no one could have helped being thrilled by the fascination of his address. In 1883 Rev. J. J. Wheat, Professor of Greek in the State University, asked the writer, who was on a visit to Oxford, what had become of Sam Montgomery. The answer was, "The old man is living about among his friends." Said he, "I once heard Sam Montgomery preach and for power and impressiveness and command over an audience I have never seen him surpassed," or words to that effect. Father Montgomery lies buried in the neighborhood of Ebenezer. His son went to the Yazoo Delta in 1884 and died soon after in the home of his grandson.

Union Church was supplied several years by Rev. Angus McCallum, next by Rev. John H. Smiley, next by Rev. Thomas H. Cleland. These three served the church for just a few years

each. Father McCallum bought a piece of land near the village of Union Church and opened up a good, productive farm. He was a man of fine judgment, an excellent manager and was very thrifty in the conduct of his business. He had a most excellent wife and they reared a family of ten sons and daughters, five of whom are living to-day. This venerable brother died in 1885, and with his good wife lies in the graveyard at Union Church.

Rev. John H. Smiley was from New England and was a man of great force of character. He was a rigid Calvinist of the highest type and for many years after his death his strong presentation of doctrine remained fresh and green in the memory of the people. Rev. Thos. H. Cleland was a mild and gentle man. He died not long since in Louisiana.

Rev. C. W. Grafton became pastor of Union Church in 1873. Thirty-two years have passed away and he still abides, going out and coming in among the descendants of the ancient Scotchmen.

The church has been blessed with a faithful body of Ruling Elders and Deacons. During the hundred years now closing the following men have served the people as Ruling Elders:

Angus Patterson, Neil Buie, Jr., John Buie, Sr., Matthew Smylie, Charles McDougald, Murdoch McDuffie, John Watson, Sr., John Buie, Jr., Archibald Baker, Reuben Lee, Malcolm McPherson, Lewis Cato, Sterling Cato, Daniel Grafton Buie, Daniel H. Cameron, William B. Alsworth, Samuel Davis McCalum, Allen Baxter Cato, N. R. C. Watson, David G. Galbreath, John A. Smylie, George S. Torrey, Peter Wilkinson, L. A. Cato.

Here, too, is a list of the Deacons' names:

Gilbert M. Buie, Daniel N. McLaurin, Isaac N. Buie, Joseph Josling Warren, John A. Galbreath, John L. Scott, S. D. McCalum, E. E. Smiley, Allen B. Cato, Dr. D. C. Warren, A. Schaefer, John Lee Scott.

There have been in all three church buildings. The last one was erected in 1852, has been repaired two or three times and stands to-day upon the old site surrounded with venerable oak trees and crowned with blessed memories. During its existence many hundreds have been received into its communion. All its friends will recognize these leading family names. To begin

with, there are twenty-three sets of Mc's enrolled in its sacred register of names:

McArn, McArthur, McBride, McCall, McCallum, McClure, McClutchie, McCormick, McCorvey, McDonald, McDougald, McDuffie, McEachern, McFater, McIntyre, McLaurin, McLean, McMillen, McMurchie, McNair, McPherson, McQueen, McRea.

These Mc's would establish the claim to the title of "the Scotch settlement" if nothing else did.

There were six different sets of Buies, whose sons in a few years married and formed a large number of Buie families.

There have been sixteen families of Catos. A few more leading family names are as follows:

Alsworth, Baker, Barnes, Blue, Brown, Buckels, Cameron, Clark, Currie, Fairly, Galbreath, Gilchrist, Knapp, Knox, Lee, LeGette, Newman, Patterson, Ray, Scott, Smiley, Smylie, Smith, Torrey, Warren, Watson, Wilkinson.

The period between 1820 and 1830 might be called the romance days of the Scotch settlement. Everything was young, bright, fresh, and full of life and vigor. The country abounded in game and the streams in fish. The lowlands and sometimes the hills were covered with canebrakes. Farming was an easy matter at that day. Burn away the brakes and plant your corn and you would be sure of a harvest. Natchez was the market town for all the country and Union Church was a point on the highway between the eastern counties and Natchez, and in the fall of the year long trains of wagons pulled by teams of heavy oxen were strung out a hundred miles from the interior of the State to the Mississippi River. It is forty-five miles from Union Church to Natchez, and it was a great occasion for a farmer to yoke up his oxen and start to market with the whole week before him for going and returning. Some of the old Scotch were not averse to strong drink, and coming back with a jug of Scotch whisky their animal spirits would be stirred on the way and their home coming would be loudly advertised. But such an one would unfailingly be brought before his brethren in the church and he would be certain of a reprimand and would probably be excommunicated for a while. The old records of Union Church abound in illustrations of the faithful dealings of the elders with their brethren. Let a man be overtaken in a fault, such as vio-

lating the Sabbath day, or taking God's name in vain, or becoming intoxicated and he was certain of discipline by the church. And this faithful attitude of the Ruling Elders doubtless saved many an erring brother.

This period was famous as the camp-meeting period. On the slope of the hill where the church has stood so long great rows of wooden sheds were built and in the fall of the year the people came together. The best preachers of the old Presbytery of Mississippi assembled, and for many days at a time—morning, evening and midday—the voice of prayer and praise and preaching was heard. No one can tell the far-reaching influence of those sacred gatherings. People would come to them from a distance of forty miles and more, would profess faith in Christ, then go back home to spread the leaven of gospel truth and grace. Surely in the coming day when the King takes the roll of his people it will be said, "This and that man was born there."

Father Montgomery, Zebulon Butler, Jacob Rickhow, Joseph Bullen, James Smylie, and other godly men who were faithful heralds in the old Scotch settlement passed away long ago, but "they being dead still speak." They live to-day in the monumental churches which they founded and fed in those early days. Many men of very fine talent were born and reared in this old heart of the Scotch settlement.

There was one old Buie family out of which came some wonderful men. There was the Rev. Whitfield Buie, who took first honors at Oakland College. He was a man of fine intellectual power. He studied at Princeton College, but he had scarcely begun his earthly ministry when it was closed by death. He had a brother, Dr. William E. Buie, who for intellectual ability and skill in the medical profession was easily the peer of any man in all the land. He was a man of great gentleness and self-denial, of chaste speech and behavior, and lived for the good of his fellow men. He had calls to lucrative positions in distinguished medical institutions, but he declined them all and gave his life to his humble friends of the Scotch settlement. He moved with his brother, Newton Buie, to Texas during the war, but returned like a pilgrim to the old spot that gave him birth and died a man of stainless name and sleeps with his fathers in the sacred dust of our Scotland.

Rev. William G. Millsaps was also a man of unusual power and influence. He studied theology at Danville, became a minister in the Methodist Church, and for a long time served his people faithfully and effectively. He was the brother of our friend Major R. W. Millsaps, of Jackson.

When the civil war broke out the first company that left Jefferson County for the seat of war was the "Charley Clark Rifles," from the Scotch settlement around Union Church. It was a sad and long-to-be-remembered day when those dear young men paraded in the shade of the trees close to the old church and received from the hands of Miss Flora Buie a silken banner of the Southern Confederacy. Dr. J. J. McLean was the first captain of this company and Dr. Rufus Applewhite was his successor. Of the 105 men who formed that first company there are now just twelve men living. Their names are worthy of at least a mention in this short sketch of the old community and I gladly put them here on record. They are:

Dr. Rufus Applewhite, Captain; B. L. Applewhite, C. C. Erwin, William Ferguson, Jake Garrett, Joe Garrett, Sam King, Winston King, F. Krauss, S. D. McCallum, Tom McNair, Lewis Vaughan.

Their comrades lie all the way from Sharpsburg in Maryland to the Rio Grande.

The men of those former days were men of great faith and prayer. A few old people now living tell many stories of the fervency and length of their prayers. They were deeply devoted to the Calvinistic interpretation of the Bible and to the traditions and memories of the old church of the Covenant, the Presbyterian Church, the church of their love and veneration. Here is an instance:

Mary McDougald was received into the church in her young girlhood. Quite young she married a Scotchman named McEachern and moved with him to Carroll County, where they formed a new home. She carried with her all her love for the church of her fathers. She was earnestly solicited to join a church of another denomination which at that time held the field in her neighborhood. Said she, "No, I will help you all I can. I will sing with you and pray with you, and give money to you, but I am a Presbyterian and can never be anything else,

and when we have a chance we will organize one right here." This good mother in Israel died in 1903, leaving behind her 121 children, grandchildren and great-grandchildren, and nearly every one of whom that has reached mature years is now a member of the church in full communion. She lived to see seven white Presbyterian churches organized and one colored, all of which trace their origin directly to her influence. The life of this good woman spans the whole century of the Scotch settlement at Union Church.

Another noted good woman was Aunt Mary Wilkinson. She was the daughter of Ruling Elder Matthew Smylie, the brother of Rev. James Smylie. She married Daniel M. Wilkinson of fine Scotch lineage. She was a true, outspoken member of the Presbyterian Church, perfectly loyal to the very last in her love for the old settlement at Union Church. With her husband she moved to Jackson. She gave one of her daughters to Col. J. L. Power, another to John D. McArn, another to Mr. Cadwallader, and she, too, spanning nearly the whole century, passed away two or three years since wearing a crown of sweetness and joy triumphant in the hope of the gospel. Her children and grandchildren and all her friends bless her memory.

There are many others whose names are found upon our grave-stones who had in them the stuff to make them stand in Senate halls or wear the crown of martyrs, but like the "many a flower that wastes its sweetness on the desert air," they rest sweetly in their quiet beds with no sculptured urn or monument to tell their story.

Like Ebenezer, Union Church has suffered immensely by the loss of its sons and daughters. During the last thirty years more than seventy families have moved away from this community. They are found all over the country. Memphis, Vicksburg, Port Gibson, Natchez, Jackson, Hazlehurst, Wesson, Brookhaven, different parts of Arkansas, Louisiana, and Texas claim the sons and daughters of our old Scotch settlement. It seemed at one time as if the entire settlement was destined to share the fate of its twin sister, Ebenezer. But the school and the church are wonderful conservators of neighborhood life, and these two factors have worked hand in hand to keep alive this old community. The school bell still rings and pupils and

teachers meet in the schoolhouse. Sabbath after Sabbath the congregations assemble at the old church and sing the old songs—Arlington, Mear, Rockingham and Uxbridge. The doctrines of grace still sound from the pulpit. Girls and boys make love, as of old, and evergreens and flowers adorn the marriage altar, while again and again the people weep in the house of mourning.

It might be asked how the neighborhood still lives if its families move away and none move in. The answer is, it grows from within. The Scotch settlement is an endogen. John D. McArn married Lizzie Wilkinson, and he has twelve children. Peter Wilkinson married Mary Faris, and he has ten living children. J. E. Lamb married and had thirteen. Clint Faris and Jim Currie have ten each. Would not Queen Victoria, the model mother of Great Britain, have smiled on these descendants of the ancient highlanders? Would not the men who love large families feel at home at Union Church? So the church still lives and has over 200 members on its rolls.

The settlement is twenty-five miles from Brookhaven on the east and twenty-one miles from Fayette on the west. Port Gibson is twenty-eight miles north and Meadville twenty miles south. The Scotch settlement therefore, with Union Church as a nucleus, has been in the center of a wide influence for 100 years.

They talk of building a railroad from Hattiesburg to Natchez, and a route has been surveyed through Union Church. That road may be built and we may get more strength. We may be opened up better to the commerce and methods of the world, but the history of Union Church for these hundred years past is beyond the reach of change. It is embalmed in precious memories that lie hidden away on old tombstones and in old Bibles all over the land.

With reverent hearts we bid adieu to the past and with courage born out of that past we hope for the future.

LANDS OF THE LIQUIDATING LEVEE BOARD THROUGH LITIGATION AND LEGISLATION.

BY JOHN WILLIAM WADE.¹

One of the objections urged by Henry George against private ownership of land is the fact that the time and talent of many of the greatest men of the world are more or less taken up with the study of the intricacies of the law of real property. The student of law when he first pores over the dry pages of Blackstone, distinguishing the four general classes of estates, then subdividing these classes *ad infinitum*, as he thinks, losing himself in this labyrinth of law, fully appreciates the force of Mr. George's remark. Indeed, able lawyers have concluded that the full comprehension of the English common law of real property, as founded upon the doctrines of the feudal system, is beyond the power of any one man. But while the feudal tenures are the source of the law of real estate of this country, their technicalities have been lopped off by enactments, constitutional and statutory, until at the present day there is but little, if any, trace of them remaining in the American law of real property.

But while it is true that under our modern jurisprudence lands are held "free from the burdens of tenure," yet our lawmakers have created to the lands familiarly known as the lands of the Liquidating Levee Board, titles in some respects more complicated than the tenures of olden times. It is not the purpose of this article to attempt an analysis of these titles, but rather to give a brief history of the causes, conditions, development and final perfection of them.

The historic title of these lands had their beginning in a dual system of taxation, which resulted in a double series of tax titles, standing in some instances in conflict with each other as well as in conflict with all other titles. Tax titles from time immemorial have been even in their simplest forms the terror of land owners. As every one knows, the levying and collecting of a tax upon land are proceedings *in rem*, and if valid convey

¹A biographical sketch of the writer of this article will be found in the *Publications of the Mississippi Historical Society*, Vol. VIII, p. 397.—EDITOR.

the original paramount title. The great trouble has been to secure valid proceedings. The common law rule required literal and strict compliance with all the tax proceedings as a requisite for a tax sale to pass title to land. An able writer gives the following description of the common law tax title:

"The deed is not the title itself, nor even evidence of it. Its recitals bind no one. It creates no estoppel upon the former owner. No presumption arises from the mere production of the deed, that the facts upon which it is based had any existence. When it is shown, however, that the ministerial officers of the law have performed every duty which the law imposed upon them, and every condition essential to its character, then the deed becomes conclusive evidence of title in the grantee according to its extent and purport."²

To prove conformity to all these requirements of the law has been found almost impossible, in most instances, thus causing tax titles to fall into great disrepute, so much so that the Superior Court of New Hampshire is said to have declared "that a tax collector's deed was *prima facie* void."³ This seems to have been the law in Mississippi originally,⁴ but before the time that our narrative begins statutes had been enacted in this State,⁵ as well as in many other States, which changed the common law rule, above stated, so as to shift the burden of proof from the purchaser to the former owner, thereby making the tax deed *prima facie* valid instead of *prima facie* void. These statutes have often been questioned, but have been repeatedly upheld.⁶

In view of the general distrust and conceded precariousness of tax titles resulting from sales even when made by a single sovereign, the urgent need for repeated and continued legislation and litigation over the tax titles of the lands of the Liquidating Levee Board will be evident when it is remembered that these lands formerly owed fealty to two or more sovereigns at the same time and often forfeited in payment of same. The great wonder is that these titles have ever been perfected. Be it said to the credit of our courts and legislatures that while continuous bodies might have accomplished the difficult task in shorter time and with less effort, yet it could not have been done more effectively.

²Blackwell's *Tax Titles*, p. 430.

³Washburn on *Real Property*, p. 225.

⁴8 Smedes and Marshall's *Reports*, p. 197.

⁵Acts of 1843, Chapter 1, Sec. 6.

⁶36 Miss., p. 692.

The narrative divides itself into three parts, viz : First, the acquisition of titles; second, the fight for supremacy; and third, the perfection of title.

The lands of the Liquidating Levee Board are located in and embrace the greater part of the Yazoo-Mississippi Delta. This fertile region is bounded on the west by the Mississippi River, and on the east by the foothills which approach the river near Memphis, Tenn., and at Vicksburg, Miss., the northern and southern terminal points. The Delta is something more than two hundred miles long, with an irregular width probably averaging seventy-five or eighty miles.

At the beginning of the period of the acquisition of titles comes the title of the original patentees from the government. All these lands were acquired by the United States from the Indian tribes of Mississippi, except in a few instances in which the title to small bodies was under treaties with the Indian tribes reserved to individual Indians. Before the year 1850 individual settlers had patented portions of this land direct from the United States, but by far the greater body of it was still at that time in the United States Government. By what is known as "the Swamp and Overflowed Land Act," passed by Congress in September, 1850 (chapter 84), all of these lands remaining unsold by the United States were donated by Congress to the State of Mississippi for the purpose of public improvements. By an Act of the Legislature of the State of Mississippi approved March 15, 1852, entitled "An Act to provide for the construction of a levee upon the Mississippi River, for the reclamation of the State and school lands and for other purposes,"⁷ the Secretary of State was authorized and required to offer for sale by quarter sections to the highest bidder 500,000 acres of land donated to the State of Mississippi by the Congress of the United States (Swamp and Overflowed Land Act) for the purpose of internal improvements at the minimum price of two dollars per acre, in front of the capitol at Jackson, Miss., the sale to commence at eleven o'clock A. M., on the third Monday in November, 1852, and to continue from day to day until all of said lands to which the State shall then have title shall be offered for sale. By virtue of this Act and its several amendments the State sold and patented to pri-

⁷*Laws of 1852*, pp. 33 to 41.

vate individuals much of these lands, but by no means all of it, as there was more land to be sold than there were bidders to buy it. By an Act of the Legislature of the State of Mississippi, approved March 2, 1854, entitled "An Act to provide for the further issue of swamp land scrip, for the purpose of aiding in the completion of the levees upon the Mississippi River," the Secretary of State was authorized and requested to issue on or before the first day of April, 1854, to the Presidents of the Boards of Police of the counties of DeSoto, Tunica, Coahoma, Bolivar, Washington and Issaquena to be used for the purpose of aiding in the completion of levees in their respective counties, seven hundred and twenty thousand acres of land scrip, in quarter sections. This scrip was issued and distributed to the Presidents of the County Boards of the several counties mentioned, according to the provisions of this Act. In some instances private individuals bought this scrip from the Boards of Police, located claims by virtue of it on certain of these lands, whereupon the State patented the lands so located to them. In this way it is seen that further lands were vested in private settlers. The greater part of the land scrip remained, however, with the County Boards undisposed of, and the Secretary of these boards, on November 7, 1854, patented the land so left over from the State to himself for the levees of his county.

By virtue of an Act of the Legislature of the State of Mississippi, approved January 25, 1856, entitled "An Act to confirm the titles to certain swamp and overflowed lands located by C. I. Field, Levee Treasurer of Bolivar County, and for other purposes,"⁸ Christopher I. Field, as Levee Treasurer, sold by warranty deed large tracts of this land to individual purchasers. Probably the largest one of these sales was the sale made to Daniel Low and E. H. R. Lyman, as trustees of the Mississippi Bottom Land Company of New York. This sale, made on November 15, 1856, conveyed title to 120,071 acres of land lying in the counties of Coahoma, Bolivar, Sunflower, Washington, Issaquena, Yazoo, Holmes and Warren.

It was of the greatest importance to the country that the title to these lands should pass out from the government. Subjected as they were at that time to frequent inundation, they were of

⁸*Laws of 1856*, p. 200.

but little value without levees to protect them. To build levees required considerable money, and this money could be best raised from these lands. As long as the title to them was in the government they bore no income. The levees realized first from the sale of the lands and second from an annual tax levied on them. In order to produce this income the State passed the laws above referred to, by virtue of which the greater portion of them passed out from the government to private owners, and thus they became revenue-bearing lands. So much for the title of the patentees. Let us turn now to the creation of the levee boards and the building of levees, where we shall soon find a new title to these lands.

A review of legislation in respect to levees enacted prior to the year 1858 discloses the fact that they had been treated by the Legislature as entirely a matter for the counties. The word district, when used in this connection, in early statutes, means subdivision of a county, corresponding probably to what at that time was known as the police district, and now known as supervisor's district. The matter was purely a local one, no two counties nor parts of different counties were united into a levee district, and each county was left to create its own districts. In the several counties the same general end was sought, viz.: the protection of the lands from inundation. But different means were frequently employed in the different counties, for example, the system of levee taxation varied. These early levee laws mark the beginning of our present great levee system; and like the beginning of all such enterprises, as well as the beginning of government itself, it was purely local, an experiment on the simplest and smallest scale. But with the levee system it was soon evident to all that the districts must necessarily be made larger so as to include several counties in one district. The lower counties of the Delta were at the mercy of the upper counties, and however much they may have expended to protect their own river front, their efforts were almost useless in case of a crevasse farther up the river. Furthermore, the different methods of levee taxation in the different counties caused lack of harmony. Probably when the work was needed most, there were no funds with which to have it done. There was no central representative body, and the local bodies had no author-

ity without their respective counties. It was soon evident that the county was too small a sovereign, and that if it remained the unit, an authoritative representative body must be created to supervise the several districts.

To meet this demand the Legislature, in 1858,⁹ organized the counties of Tunica, Coahoma, Bolivar, Washington, Issaquena, and parts of DeSoto, Panola, Yazoo, Sunflower and Tallahatchie into one levee district. The local levee authorities of the counties, after June 1, 1859, were to be suspended from further authority to build or repair levees, but they were continued in office for the purpose of liquidation until the expiration of three years, at which time the general board was to assume their debts remaining unpaid.¹⁰ It was provided, however, that the Boards of Police of Tunica, Coahoma, Washington and Issaquena Counties might in their discretion, levy annually, in addition to the tax provided for the support of the general levee board, a tax not to exceed twenty-five cents per acre, on all lands in their respective counties subject to taxation under this act, which should constitute special local funds to be used by the county authorities for levee purposes as they saw proper.¹¹ To this extent the county levee boards were continued, but the general levee board soon eliminated and superseded the county levee boards.

The general levee board was incorporated by the Act of 1858¹² under the style of "The Levee Commissioners," and was composed of one member from each of the counties of the general levee district. A uniform tax of ten cents an acre per annum was levied in April from 1859 to 1863, inclusive, on each and every acre of land in the district, except lands held by the State, and school lands, and Chickasaw school lands, while held in trust by the State. Lands in DeSoto and Panola Counties outside of the overflowed district, were also excepted from this tax. The sheriffs of Tunica, Coahoma, Bolivar, Washington and Issaquena Counties were required to pay the taxes collected under this Act for the first three years over to the persons then by law authorized to receive the same in said counties respect-

⁹ *Acts 1858*, p. 33.

¹⁰ *Ibid*, Sec. 16.

¹¹ *Ibid*, Sec. 21.

¹² *Ibid*, p. 33.

ively, while the sheriffs of the other counties of the district were required to pay this tax collected by them over to the treasurer of the Levee Commissioners. During these three years the levee taxes in these five counties were to be applied to the liquidation of the debts theretofore incurred by the levee authorities of such counties respectively, under the local boards of the counties. After the lapse of three years this tax from all the counties was to be paid by the sheriffs of the counties direct to the Treasurer of the Levee Commissioners, in whose hands it was to become a consolidated fund.¹³ The taxes levied were declared to be a lien on the lands, with power in the sheriffs to sell the lands for non-payment of such taxes, and with power in the Treasurer of the Levee Commissioners to buy them in for the said Levee Commissioners. These in brief are the provisions for raising income to carry on the building and repairing of levees by the Levee Commissioners. But better levees were an immediate necessity, and funds from taxation would come into their hands at too slow a rate. To obviate this delay the Levee Commissioners were authorized to issue levee scrip, payable not later than January 1, 1863, to an amount not to exceed a half million dollars, bearing a maximum interest of eight per cent. The consolidated fund, from taxes and incomes from the sale of those lands, which were still the property of the levee board, as well as such lands as were forfeited to the Levee Commissioners for the non-payment of levee taxes was to be used for the redemption of this indebtedness.¹⁴

The Board of Levee Commissioners was vested by the statute creating it with power to sell the land upon which the levee tax was due and unpaid, and the treasurer was authorized to buy in all such lands in case there was no one bidding the amount of the taxes. Considerable land was forfeited to the board for non-payment of taxes, in 1860 to Isaac S. Robinson as treasurer, and in 1861 to Christopher I. Field as treasurer. These forfeited lands were held by the board subject to redemption. Private individuals often bought at these sales, acquiring tax titles. Thus it will be seen that before the war between the States there had begun this double system of tax titles, but the

¹³ *Ibid.*, Sec. 2.

¹⁴ *Ibid.*, Sec. 14.

person to whom a tax deed was made in satisfaction of taxes due the State had the better title, as no lands subject to a levee tax was at that time exempt from State and county taxes. Only a small proportion of the land was forfeited in those days of prosperity, and in most instances of forfeiture the lands were redeemed during the period of limitation, so there seems to have been but little if any conflict between holders of adverse titles.

Under the management of the Levee Commissioners the work of building levees took on new life. The Honorable James L. Alcorn, afterwards Governor of the State, was president of the commission. His reports to the Legislature are full of interest, and throw a flood of light on the levee legislation of the period from 1858 to 1869.¹⁵ As a result of these reports the statute approved February 10, 1860,¹⁶ extended the levee tax until April 1, 1865, and authorized the Levee Commissioners to substitute their scrip for outstanding levee scrip of the several counties. This Act further provided for the collection annually of the State and county taxes due on lands held by the Levee Commissioners.

By the year 1860 there had been developed an efficient system of levee construction. A considerable amount of levee had been built and much more was in process of construction. In a short time the Delta would have been protected from the much dreaded inundations of the "Father of Waters," and the fertile country placed in position to develop its resources. But in 1861 the war began. It lasted four years and devastated the country, leaving the levee system in much worse condition than it was in at its beginning. The revenues of the Levee Commissioners were soon cut off. A number of suspension statutes were enacted by the State Legislature. The first of these was the Act of August 6, 1861,¹⁷ which suspended the collection of the ten cent tax imposed by the statutes of 1858 and 1860 until the first Monday in April (the beginning of the levee fiscal year) next after the termination of the war, and provided that such taxes, after the war, should be collected for the same number of years they had to run when suspended, those imposed by

¹⁵ Mississippi Senate Journal for 1859, Appendix, pp. 366, 393 and 450.

¹⁶ Laws of 1859 and 1860, p. 452.

¹⁷ Laws 1861, Called Session, p. 68.

the Act of 1858 to be collected before those imposed by the Act of 1860. The Act of December 20, 1861,¹⁸ suspended collection of all State and county taxes for the current year upon any lands owned by the Levee Commissioners or the treasurers of any of the County Levee Boards until the meeting of the next regular session of the Legislature, unless previously sold or redeemed. The Act of January 25, 1862,¹⁹ imposed interest upon the postponed levee taxes, to be paid when the taxes should be collected. By the Act of November 25, 1863,²⁰ all Acts or parts of Acts authorizing the Boards of Police to collect a levee tax were suspended without prejudice to the claims of any one until such time as the Legislature may regard proper that the collection of the levee taxes may be resumed. After the war the latter tax was postponed indefinitely, the Legislature never finding a "proper time" to revive it. The taxes provided for by the Act of 1858, to be collected for the years 1862 and 1863, and those provided by the amendatory Act of 1860, collectible for the years 1864 and 1865, were by the suspension Acts revived April 1, 1865, only to be further suspended until 1868 and 1871.²¹

The general levee board of 1858, known as the Levee Commissioners, went out of existence with its suspension made at the outbreak of the war, the Legislature having suspended it during the war and failing to revive it after the end of the war.

All the foregoing is in its nature preliminary; we come now to the Liquidating Levee Board proper. This board was created by an Act passed February 1, 1867.²² It was never intended to build or repair levees, but became a law for the express purpose of liquidating the outstanding liabilities of the general levee board, or Levee Commissioners, incurred by authority of the Act of December 2, 1858, and Acts amendatory thereto. The war coming on in 1861, the levee board found that its work in building levees was suddenly interrupted, and that it was heavily in debt. Its debts, direct and indirect, under the Act of 1858, and amendments, the interest on which was about fifty per cent of their face value, amounted, in 1867, to \$1,500,000.

¹⁸ *Laws* of 1861-2, p. 146.

¹⁹ *Laws* 1861-2, p. 224.

²⁰ *Laws* 1863, p. 138.

²¹ 40 *Miss.*, 611.

²² *Acts* 1866-7, p. 237.

These debts were long past due and were a heavy charge upon the lands. In fact, much of the land, unprotected by levees and exposed to constant and continuous overflows, was not worth the charge then upon it. Property was devastated by the war and money was extremely scarce. Without some legislation these old debts stood a poor show of ever being paid. To remedy these conditions and to provide a safer way for the payment of this indebtedness the Act of February 13, 1867, was passed.

This Act provided that the Governor should appoint a board of three commissioners, to be styled the Board of Commissioners to liquidate outstanding liabilities. The first meeting of this board was to be held on the first Monday in March, 1867, when they were to organize by electing a president, secretary and treasurer. They were required to pass at the first meeting an order requiring all persons who had claims alleged to be due, the payment of which was provided for by the Act, to present them to the secretary of the board on or before June 1, 1867, to have them registered; and all claims not so presented were to be excluded from the benefits of the Act. The secretary was to register, in books kept for the purpose, each claim presented, with the name of the person presenting it, and the person claiming to be its owner, and to endorse on it the time at which presented. The board was required to examine all claims so registered by the secretary, and to mark on them their approval or disapproval. Only the owners of claims so approved by the Board were to be entitled to the benefits of the Act.

In order that a bondholder might claim the privileges of this statute some concessions had to be made on his part. He was required to surrender his claim to the board to be cancelled, to remit all accrued interest prior to June 1, 1867, and to accept *in lieu* thereof the bonds of the Liquidating Levee Board for the face value of his claim, less interest. The remission of the accrued interest saved the board several hundred thousand dollars. The bonds of the Liquidating Levee Board, issued in payment of these debts of the old levee boards, were payable in five equal annual installments, with interest at the rate of five per cent per annum from June 1, 1867, until paid. The bondholder was required on receiving the bonds to supply the

stamp required by the United States revenue laws. It may be suggested that these conditions required a surrender of about one-third or one-half of the amount due, and to that extent was confiscation; but it must be remembered that it was optional with the bondholder whether he would take advantage of the statute. In case he saw fit not to accept its terms he was left to his original remedy, just as if the statute was not in force. No part of the indebtedness was by the terms of the Act repudiated, but the bondholders only given an opportunity to release their accrued interest in consideration of better securing their principal. The creditors of the general levee board, with few exceptions, accepted the terms of the statute, surrendered their evidences of debt, and took the bonds of the Liquidating Levee Board in lieu thereof. The presentation of these bonds was suitably provided for, and the treasurer of the board, who received the money collected, was with it to pay them, as well as salaries and expenses. Two sources of revenue were provided. First, a uniform tax of five cents an acre in some counties of the district, and of three cents an acre in the others, was levied and made payable on the first of May, each year. This tax, it was stipulated, should continue until a sufficient sum was collected with which to pay off all the debts and liabilities contracted or assumed, and all the scrip or evidences of debt issued by the Board of Levee Commissioners, organized under the Act approved December 2, 1858, and it was declared to be a tax *in rem* upon the lands. In the second place, revenue was to be derived from the sale of lands. The statute authorizing the board to receive and sell all the property of the Levee Commissioners under the Act of 1858. The tax on land to be levied for this board as authorized by the Act, if not paid annually by May 1st, would be in default, and would subject the land for sale for these taxes, whether the owner had personality or not. From the sheriffs of the counties within the district, special bonds were required, and the proceedings of sale, forfeiture, and redemption were to be the same as those prescribed by the Act of 1858. Lands forfeited to the board for taxes and not redeemed could also be sold by the board. All proceeds from all sources were to be applied toward liquidating the bonds, and the surplus funds were to be used to buy outstanding bonds.

After the payment of all the bonds, the money, lands and other property belonging to the board were to be applied to such uses as the Legislature might direct.

After all demands not presented had become barred by the terms of the statute, on May 13, 1871,²⁸ the legislature extended the time for presenting claims until the second Monday in November, 1871, provided that the bonds issued for those then presented should be designated "new series"; and continued the tax, as well for the payment of the new series as the old. All unpaid bonds, whether due or not, were made receivable for levee taxes due or to become due under said Acts; and the Governor was authorized to appoint one commissioner who succeeded to the powers, rights, and privileges of the Liquidating Levee Board, and was substituted in their stead.

Such in brief is the statute creating the Liquidating Levee Board, probably the most legislated and litigated statute that Mississippi has ever known. It furnishes the foundation of almost every land title in the Yazoo-Mississippi Delta, and here it is well to turn aside for the present from further discussion of statutes for a brief notice of the land forfeitures to this memorable board.

But few land owners made any attempt to pay the liquidating levee tax, and the number of bidders at tax sales was even smaller. The second Monday in May each year witnessed only formal forfeitures to the Liquidating Levee Board. In some counties no sales were made for the first year or two. In Sunflower County, for example, the lands were sold in May, 1870, for the delinquent liquidating levee taxes for the years 1867, 1868, and 1869, more than four hundred sales being made at this time, conveying more than nine-tenths of the taxable lands of the county to the Liquidating Levee Board. Only about a dozen sales were made a year later for the liquidating levee taxes for the year 1870, and as there was no more land in the county to be sold there were no more sales for this tax later than the year 1871. Printed deed records were provided for each county, and by filling into these blank records a description of the land conveyed, some names and dates, the evidence is perpetuated of the almost universal confiscation to the Liqui-

²⁸ *Laws 1871*, p. 57.

dating Levee Board of the lands of the Delta, and upon this deed record depends almost all of its present land titles.

Although it is not the purpose of this article to give a history of the several levee boards, it will be necessary in tracing the title of the lands of the Liquidating Levee Board to notice somewhat these other boards, because of conflicting titles between them and the Liquidating Levee Board. The first to be noticed in this connection is the levee board of Bolivar, Washington and Issequena Counties, commonly called the "Ten Cent Levee Board." It has already been seen that the general levee board of 1858 (Board of Levee Commissioners) was suspended during the war, and that this board was never reorganized, but passed out of existence with this suspension. Levees for counties bordering on the Mississippi River were an absolute necessity, so in the absence of a general levee board, the Legislature by an Act passed November 27, 1865,²⁴ incorporated this local board, known as the Ten Cent Levee Board. This Act authorized a uniform tax of ten cents per acre upon all the lands in said counties (with certain exceptions) payable on or before March 1st, annually, from 1867 to 1879, inclusive. This tax was made a lien on said lands, and in case of failure to pay the same, it was provided that the sheriff should, on the first Monday in April each year, sell the land in default. If the amount due on any tract should not be bid, then the same should be struck off and a deed executed to the treasurer of this levee board. In accordance with the provisions of this Act, large tracts of land in these counties were soon forfeited to the treasurer of the Ten Cent Levee Board in payment of default taxes due said levee board. These same lands were frequently forfeited for non-payment of taxes, either to the State or to the Liquidating Levee Board, or to both. One or more of these forfeitures often conveyed no title, as all subsequent forfeitures either to the State or to the Liquidating Levee Board, after a valid forfeiture to the Ten Cent Levee Board, and prior to a redemption or purchase from said board, were void and conveyed no title.²⁵ By Act of April 11, 1876, the title of the Ten Cent Levee Board was transferred to the State.²⁶

²⁴ *Laws of 1872*, p. 217.

²⁵ *73 Miss.*, 494.

²⁶ *Laws 1876*, p. 166, and *69 Miss.*, p. 541.

But the Ten Cent Levee Board was authorized to protect only a part of the river front, and concentrated all its efforts in levee construction for its district only, so there remained a great portion of the river front still unprotected from overflows. To meet this demand the Legislature, by an Act approved March 17, 1871,²⁷ incorporated what is known as the "Levee Board of the State of Mississippi, District Number One," embracing the counties of Tunica, Coahoma, Tallahatchie, Panola and DeSoto. Levee District Number One was supplementary to the Ten Cent Levee Board, the two embracing different territory, and together covering the entire Delta front. The statute creating Levee District Number One levied a tax of two per cent per annum on the value of every acre of land in said district for the period of twelve years.²⁸ Provisions were also made for the collection of this tax, including sale and forfeiture in cases of default. Again, the taxes were often not paid, and for want of purchasers at tax sales forfeited to this board for taxes. These forfeited lands were held by the board chargeable with State and county taxes, the collection alone of which was suspended during the board's holding the land, and also chargeable with liquidating levee taxes, accrued and to accrue, which had to be paid by the Levee Board of District Number One, there being no suspension of collection.²⁹

Add to the foregoing list of conflicting titles sales made by tax collectors for non-payment of State and county taxes to purchasers and forfeitures to the State for default taxes, and the list of land titles of the Delta is about complete.

The Liquidating Levee Board enjoyed certain privileges in the way of taxation over all other levee boards. Its lands were exempt from all taxes—State, county and levee.³⁰ The lands of the other levee boards were obliged to pay all State and county taxes, and also the tax of the Liquidating Levee Board, while lands forfeited either to the State or to the Liquidating Levee Board were exempt from all taxes until they were redeemed and again became revenue bearing. Most of the land soon sank into one of these non-taxable classes. While in theory

²⁷ *Laws 1871*, p. 37.

²⁸ *Ibid.* Sec. 8.

²⁹ *77 Miss.*, p. 68.

³⁰ *Acts 1865*, Sec. 13.

it was impossible for land to belong to both of these non-taxable classes at the same time, yet so complicated was the system of tax forfeitures that the State and the Liquidating Levee Board often laid claim to the same land at the same time, and no one knew which had the better title.

It may be asked, Why did not the owners of these lands pay their taxes, and thus prevent these repeated forfeitures? But it must be remembered that the war left the country poverty stricken. Besides, the extravagant rule of ignorant negroes and ignominious carpetbaggers during the period of reconstruction would have bankrupted the richest people on earth. Little effort was made by those in authority to bring about better industrial conditions, but rather they held the State up with high handed extravagance and misrule to bleed her already thin and emaciated frame. The rate of taxation was so high till lands became more of a burden than a benefit. Often land owners could not have sold their lands for enough money to pay one year's taxes. Nearly all the lands of the State were forfeited, or rather were confiscated, for taxes. When there was no longer any revenue-bearing property in the State, our Northern exploiters left us, escaping in many instances under cover of night with every valuable thing they could lay hands on and carry with them. The wonder is not that the lands were forfeited, but that they were so quickly redeemed.

The foregoing briefly disposes of the several sources of titles, and we come now to the contest for supremacy, the battle of titles. While it would probably be incorrect to say that all other land titles made common cause and fought in the same army against the title of the Liquidating Levee Board, yet each title in its turn battled against the title of the Liquidating Levee Board, and as this title must bear the brunt of the fight, it is well here to examine its strong and weak points.

The Legislature probably did not realize the full force of the enactment creating the Liquidating Levee Board. We have already seen that this statute was a proposition made on the part of the State to the bondholders of the General Board of Levee Commissioners granting to them certain privileges upon the concession on the part of the bondholders of certain of their rights, and that the bondholders generally accepted that propo-

sition. Once accepted it became a contract completely executed, and the courts have held invariably that all subsequent legislation in material derogation of its terms enacted during the life of the contract was unconstitutional and void, being in direct conflict with the constitutional provision forbidding the impairment of the obligation of contracts. This was the Gibraltar of the title of the Liquidating Levee Board, the strength of which will be seen more fully as we proceed.

What were the weak points in the title of the Liquidating Levee Board? What are the weak points in any tax title? The failure of the officers to make substantial compliance with the law. Sales for liquidating levee taxes were not made upon any assessment of the lands. The tax was an acreage tax, recurring annually, and imposed by a general law. Neither the assessor nor the county board had anything to do with this tax, so there is nothing to be feared from irregularities in the assessment, equalization or certification of this tax. The only objections that could ever be made to these tax sales, where the land was liable for the tax, must be based upon one or more of the following grounds: (1) That the tax collector had not given bond prescribed by the Acts of 1858 and 1861,³¹ as collector of these taxes; (2) that the lands were not sold on the proper day; (3) that they were not sold at the proper place; (4) that they were not sold in the proper legal subdivisions or multiples thereof; (5) that they were not sold annually for the taxes of single years; (6) that the officers failed to make proper deeds conveying the land to the Liquidating Levee Board; and (7) that, as many of these original deeds have been lost, the clerk failed to properly file and record these deeds. Probably there was not one sale free from all the seven objections above enumerated, and against the great majority of the sales the most if not all these objections would be well taken.

The first battle waged against the title of the Liquidating Levee Board was waged by those claiming under the original government patentees, or in other words, those from whom the land was forfeited. Gen. James Z. George led the first charge. Certain of his lands had been sold in 1870 by J. E. Johnson, tax collector of Sunflower County, to the Liquidating Levee

³¹ *Laws 1858*, p. 33, and *Laws 1867*, p. 237.

Board for default taxes. On June 21, 1871, General George filed his bill in chancery court against W. H. Vasser, Liquidating Levee Commissioner, praying that the title of the Liquidating Levee Board acquired under the tax sale of 1870 be canceled, and from a decree in his favor, Vasser, Commissioner, appealed. The decree in the lower court was sustained. The Supreme Court held in this case: (1) That the lands delinquent for liquidating levee taxes were required to be sold at a designated day in the year, and on no other; (2) and at the place appointed, and no other; (3) that the lands sold for taxes should first be offered in lots of forty acres, and (4) that there was no authority in the tax collector to sell unless he had given bond as levee tax collector.³² In other words, the title of the Liquidating Levee Board was completely routed, and its fatal weaknesses shown up to the public.

This decision seems to have lulled the taxpayers into peaceful repose. The tax collector had been taking for taxes all that the taxpayers could make above a bare living. Their lands had gone to the Liquidating Levee Board and was exempt from all taxes. They still occupied these lands, and as the tax title was void, could recover their former title whenever they so desired; but why hasten to recover it and pay taxes again? They had found, as they thought, a real benefit in the "dead hand" of the Liquidating Levee Board.

But the taxpayer's repose proved fatal to his title. Further litigation was in the very nature of things unavoidable, and the holders of the title of the Liquidating Levee Board sprang a new weapon of defense. By an Act of the Legislature approved February 10, 1860,³³ it was, among other things, declared "that all sales of lands hereafter made for non-payment of taxes due under any law of this State, shall be valid to all intents and purposes, said land subject to redemption as provided by law, and that no such sale shall be impeached or questioned in any manner or for any cause, saving fraud or mistake in the assessment or sale of same, and no suit to set aside any title acquired under any such sale hereafter to be made, shall be brought unless within five years from the date of sale." The

³² 47 *Miss.*, 713.

³³ *Acts 1859-60*, Sec. 8, p. 213.

Supreme Court of the State in construing this Act at different times has held: (1) That it is a legitimate exercise of legislative power and discretion;³⁴ (2) that it applied to tax sales for levee taxes as well as to sales under the general revenue laws of the State;³⁵ (3) that the failure of the officer to give bond as levee tax collector was cured by operation of this law, after a lapse of five years from the day of sale;³⁶ (4) that the sale was not made at the door of the courthouse was likewise cured;³⁷ (5) also, that the land was not offered in the smallest legal subdivisions, but was sold as one tract, was cured,³⁸ and (6) generally, that the lapse of time under the operation of this statute cured all defects in tax proceedings, except those controlled by constitutional provision.³⁹ To quote the language of the court: "The statute existed as part of the revenue laws of the State, and its declaration was an admonition to those owning property subject to taxation, and an assurance to those who should become purchasers at tax sales, after the lapse of a certain time from the sale for taxes, all those requirements imposed by the Legislature should be read as directory and not as mandatory laws, and that no failure to conform thereto should be held to invalidate the title of the purchaser."⁴⁰ Again, "the provision as to future sales was intended to be, and was, an irrevocable and irrepeachable stipulation that after a lapse of the time named, no assailement of the title should be made. It was, and was intended to be, a part of the contract into which the purchaser would enter; an inherent, continuing element of right, secured, running with the land, and a perpetual security of the title."⁴¹

Thus was settled this embarrassing condition. All the defects as pointed out herein, in the title of the Liquidating Levee Board, were matters that rested within the legislative will. Although a failure in any respect to comply with the directions of the law might have avoided the tax sales, if seasonably assailed, the lapse of five years from the date of sale, under the

³⁴ 47 *Miss.*, 613.

³⁵ 62 *Miss.*, 433; 66 *Miss.*, 68, and 66 *Miss.*, 522.

³⁶ 69 *Miss.*, 384.

³⁷ 66 *Miss.*, 522.

³⁸ *Ibid.*

³⁹ 62 *Miss.*, 433, and 66 *Miss.*, 522.

⁴⁰ 67 *Miss.*, 433.

⁴¹ 66 *Miss.*, 522.

decisions already referred to, rendered the title of purchasers at such tax sales free from attack.

Thus it appears that so far as the original patentees and their privies, the Liquidating Levee Board title was paramount. However, some years later, this board met its biggest contest, this time in the United States Court. William G. Ford and Louis P. Levy, two lawyers of New York City, filed, on February 27, 1889, a bill in equity in the Circuit Court of the United States for the Southern District of Mississippi claiming title to more than two hundred large tracts of land situated in nine different counties, and praying that their claim be quieted by cancelling the adverse claim of the defendants, in whom was vested the Liquidating Levee Board title. The complainants were represented by three of Mississippi's ablest lawyers, A. H. Whitfield, Edward Mayes and W. V. Sullivan to whom was given as a fee a deed to one-fifth interest in the following lands: in Leflore County, 9,320 acres; in Tallahatchie County, 15,760 acres; in Quitman County, 37,700 acres; in Sharkey County, 36,720 acres; in Bolivar County, 38,840 acres; in Sunflower County, 30,600 acres; in Coahoma County, 13,520 acres; in Washington County, 16,000 acres; in Yazoo County, 18,440 acres; in Issaquena County, 16,360 acres; amounting in all to 235,660 acres. Complainants claimed not only through patents from the United States and from the State of Mississippi, but claimed also that their lands were exempt from taxation at the time that it was sold for taxes, it then being the property of the Selma, Marion & Memphis Railroad Company. This company, originally known as the Memphis, Holly Springs and Mobile Railroad Company, was chartered by an Act of the Legislature of the State, approved November 23, 1859.⁴² Section 19 of this Act exempted all the property of said company from taxation until said railroad company should be completed. The war interfering with the construction of the railroad, on February 20, 1867,⁴³ a statute was passed reviving the corporation. A further statute was passed July 21, 1870,⁴⁴ which provided "that said Selma, Marion & Memphis Railroad Company is hereby authorized to receive, in the way of subscription to the

⁴² *Laws 1859*, Chap. 14, p. 51.

⁴³ *Laws 1867*, Chap. 464, p. 635.

⁴⁴ *Laws 1870*, Chap. 220, p. 566.

capital stock of said company, lands lying anywhere within the limits of the State of Mississippi." Under the authority of this statute these lands were conveyed by the government patentees or their privies to the railroad company, which title had passed to the complainants. It was contended by complainants that these lands were owned by the railroad company and exempt from taxation by the Liquidating Levee Board, so that as there were no taxes due said board the lands could not forfeit to it for taxes. Complainants had still a further title. On March 16, 1872, the Legislature passed an Act to facilitate the construction of the railroad, which Act provides "that all lands which have heretofore been forfeited to the State of Mississippi for taxes due and unpaid thereon and which had been sold to said Selma, Marion & Memphis Railroad Company by the original owners of the same, shall be sold to said railroad company by the Auditor of Public Accounts at two cents per acre," provided that upon any such lands forfeited to either of the levee boards of the State the levee taxes should be paid.⁴⁵ These lands were conveyed to the railroad company by the auditor under the authority of this statute by deed, which recited that the land had been "sold to the State of Mississippi for taxes due the said State, and that the company had paid into the State treasury two cents per acre in full payment of all State and county taxes due thereon to the present date." No reference was made in these deeds to the levee taxes; no recital of any payment of them, or of any adjustment with the levee commissioners. Complainants contended that the deeds were themselves evidence of a prior payment and discharge of the levee taxes, on the theory that such payment was a prerequisite to the conveyance by the auditor. The Federal Circuit Court rendered a decree dismissing complainant's bill,⁴⁶ and complainants appealed to the Supreme Court of the United States. This court held that the auditor's deed was no evidence of payment of levee taxes; and disposed of the contention that the lands were exempt from taxation by affirming the decision of the Mississippi Supreme Court, (1) that the construction and repair of levees are local improvements, and (2) that exemptions from

⁴⁵ *Laws 1872*, Chap. 35, Sec. 3, p. 313.

⁴⁶ 43 *Federal Reporter*, p. 181.

taxation does not release property from liability from assessments for local improvements.⁴⁷ The decree of the Circuit Court was affirmed.⁴⁸

Having seen the complete triumph of the Liquidating Levee Board title over the title of the original owners even in the most favorable circumstances to them, we now turn to the conflict between the title of the Liquidating Levee Board on the one hand and the title of the Ten Cent Levee Board or Levee District Number One, on the other hand. As the lands in the district of the two last mentioned boards were subject to the taxes of the Liquidating Levee Board, there was but little, if any, occasion under the laws then existing, for this conflict. Naturally much of these lands forfeited to the Liquidating Levee Board, and as they then bore no revenue the levee boards were exceedingly anxious that some way be devised by which these lands could be subjected to taxation by them. The Ten Cent Levee Board appealed to the Legislature for relief, and on April 5, 1872, was passed a special Act⁴⁹ entitled "An Act for the relief of the Board of Levee Commissioners of the counties of Bolivar, Washington and Issaquena, and for other purposes." The preamble recites that the lands claimed to be held and owned by the commissioners of this, the Ten Cent Levee Board, are beclouded by claims thereto by the State, and the Liquidating Levee Board, and as it is important that the title held by the Ten Cent Levee Board should be quieted, so that the lands may be made available in the payment of the debts contracted by this board for levee purposes. But the enactment extends the remedy beyond the recital of the preamble, so as to include all persons, natural and artificial, who have claim to or "interest in the lands." This universal remedy as provided by this Act was the filing in the Chancery Court by the commissioners of the Ten Cent Levee Board a petition "against all persons claiming or having any interest, either legal or equitable, in and to said lands," praying that said lands be sold for the payment of all taxes in arrears thereon, and in case no bid for any tract was sufficient to pay all taxes on said tract, it was to be knocked off to the Circuit Clerk of the county to be held for the State until a suffi-

⁴⁷ 47 Miss., 367 and 713.

⁴⁸ 184 U. S. Supreme Court Reports, p. 662.

⁴⁹ Laws of 1872, p. 217.

cient amount was offered for it to pay all taxes, when it was to be sold. It was the intention of the Act to confirm the title through the Chancery Court, providing for publication, trial, and sale. The Act provided further that the State, or any person or corporation interested therein, should not be made defendants by name, designation or description. On October 22, 1872, in pursuance of this statute this board filed a bill in Chancery Court of Bolivar County against "all persons having or claiming any interest, either legal or equitable, in and to the lands herein described," as defendants, without naming any individual. On January 24, 1873, a final decree was entered reciting that no cause had been shown why the lands should not be sold for the amount of the taxes stated, and much land in the county was thereby ordered to be sold by a commissioner on the first day of the next regular term of the court. From this decree G. D. Brown, who claimed a portion of the land sold, appealed. The special statute under which this suit was brought was declared, on this appeal, unconstitutional; Judge Simrall assigning seven instances wherein it is in contravention of the Constitution, amounting in the main to a declaration that the special statute was an attempt to deprive persons of their property "without due process of law."⁵⁰ Thus perished an attempt on the part of the Ten Cent Levee Board to release and take from the Liquidating Levee Board, without consideration, practically all of its lands in three of the largest counties of the district.

The conflict between the Liquidating Levee Board and Levee District Number One came to the courts of last resort, both State and Federal. A bill was filed in the Chancery Court of Coahoma County, September 15, 1890, by one Shotwell and others against the Louisville, New Orleans & Texas Railway Company, and those claiming under said company, involving the title to a large tract of land in said county. Complainants were original owners of the lands in controversy and also claimed as vendees of Levee District Number One. Defendants claimed title through the Liquidating Levee Board and the State. The Chancellor found as a matter of fact that the liquidating levee taxes had been paid on these lands, or that redemptions had been made within the time required by law, and because of this

⁵⁰ 50 *Miss.*, 468.

finding the title of the Liquidating Levee Board is not further adjudicated in this case.⁵¹ Some few years prior to the foregoing suit Amos Woodruff, trustee, the German Bank of Memphis, Tennessee, and others, as owners and holders of a large number of bonds, amounting to the principal sum of \$350,000, issued by the Levee Board of District Number One by virtue of its charter, filed suit in the Chancery Court of Hinds County against the Auditor of Public Accounts and the State Treasurer, as trustees, who by virtue of the Act of 1876⁵² last administered the trust funds of said Levee District Number One, and the Louisville, New Orleans & Texas Railway Company, the Delta and Pine Land Company, and Swan and Burroughs, all of said defendants being owners of large bodies of lands claimed both by the Liquidating Levee Board and Levee Board District Number One, to enforce a trust and lien on certain lands in said Levee District Number One. The defendants demurred to the bill, among other reasons assigned, upon the ground that the act of the levee board in making the bonds payable "in gold coin" was *ultra vires*, and the bond therefore invalid. The Chancellor sustained the demurrer solely on the last mentioned ground, and the bill was thereupon dismissed. Complainants appealed, and the Supreme Court of the State affirmed the decree of the Chancellor,⁵³ whereupon an appeal was taken to the Supreme Court of the United States, where the decision of the State courts was reversed, the court holding that the levee bonds in litigation were not null and void because of the recital therein of the indebtedness to be "in gold coin."⁵⁴ In the Supreme Court of Mississippi, where the cause had been remanded by the United States Supreme Court for decision on the other grounds of demurrer to the bill not considered by either of said Supreme Courts, it was held that the right to have collected the taxes of Levee District Number One, due said levee district after the period of redemption of lands forfeited to the State or to the Liquidating Levee Board had expired, is the full extent of the rights and interests that the holders of the bonds of said

⁵¹ 69 *Miss.*, 541.

⁵² *Laws* 1876, p. 174.

⁵³ 66 *Miss.*, 298.

⁵⁴ 162 *U. S. Rept.*, 291.

Levee District Number One had in the lands in controversy. To quote the language of the court:

"Sales of land embraced in Levee District Number One, legally made to the Liquidating Levee Board for liquidating levee taxes conveyed valid title to the Liquidating Levee Board, and while held by the Liquidating Levee Board, said lands were not subject to any tax * * * and could not be sold therefor."⁵⁵

Thus triumphed the title of the Liquidating Levee Board over another adversary.

There was some further litigation over the conflicting titles of the levee boards, more in the nature of collateral attacks, but as these are of minor importance, we pass on to the greater conflict between the Liquidating Levee Board and the State.

The legal tax sale that was made first in point of time, as between the State and Liquidating Levee Board, conveyed title. Frequently forfeitures were made to both the State and this board, yet it was never difficult to show which sale was made first and so to ascertain which sale conveyed title. The Act of 1860,⁵⁶ which made a tax title unassailable after five years, does not cure a levee tax sale which was void because the land being held by the State was not taxable, so not subject to sale for taxes.⁵⁷ Efforts were sometimes made to prove that a first sale made to one or the other was illegal, and by so doing the title was established in the one for whom the second sale was made. A great number of tax sales were made during the war, and the State laid claim to large bodies of land which forfeited to the State during the war. When this title in later years was attacked it was declared void, the Supreme Court holding that "the imposition by the Legislature of the war taxes of 1861, in aid of the rebellion, being void, a sale of land thereunder was void, and could not be validated by subsequent legislation."⁵⁸

But the State did not undertake to fight the Liquidating Levee Board on common ground. The Legislature prided itself that it was able to manufacture new weapons of warfare, and it is with these new weapons that we are primarily concerned

⁵⁵ *77 Miss.*, 68.

⁵⁶ *Laws 1859-60*, p. 213.

⁵⁷ *66 Miss.*, 68, and *68 Miss.*, 250.

⁵⁸ *25 So. Rep.*, 865; *51 Miss.*, 782; *52 Miss.*, 834; *22 So. Rep.*, 947.

here. In enacting new laws applicable to the Liquidating Levee Board (its charter has been amended by the Legislature no less than twenty times) it must not be imagined that the Legislature was actuated by animosity, or any other sinister motive; to relieve the taxpayers of their heavy burdens by placing all lands in the revenue-producing class was the benevolent motive prompting the Legislature to act.

Tax titles had become so precarious, purchasers so often acquiring no title at tax sales, and losing the purchase money actually paid, until people had about quit bidding at tax sales, thus virtually making these sales merely a formal forfeiture to the sovereign to whom the tax was due. To remedy this condition of affairs the Legislature enacted a general law⁵⁹ guaranteeing to purchasers at tax sales protection from the State and county. By this scheme such purchasers should in every instance acquire either a good title to the land sold, or in default thereof should receive back their money. This law was upheld by the Supreme Court, their decision being as broad as the statute they construe. "The intention evident was that no conceivable case should arise in which the purchaser should lose both the land and his money."⁶⁰ This statute, however, did not apply to the Liquidating Levee Board. It marks the beginning of legislative relief from taxation in this period of the State of Mississippi.

We come next to consider what is known as the Abatement Act. This statute, passed March 1, 1875, provided that all taxes for years preceding the year 1874 be abated, that is, that all unpaid taxes for these years, which were at that time delinquent, be abolished. This law was intended to act as a cancellation of all indebtedness due the State and the three levee boards for taxes for these years. Large bodies of land were held by the State and by the levee boards which could not be sold nor taxed. These lands were in a "dead hand," so to speak. The State had concluded that the best policy for it to pursue was to unfetter these lands by getting them into the hands of private owners, and thus throwing them back into the class of revenue-producing property. Justice Cooper sums up the rea-

⁵⁹Code 1871, Revenue Chapter, Art. 11.

⁶⁰56 Miss. 723.

sons for the enactment of this law, and the conditions intended that it should remedy, as follows:

"On the first of March, 1875, the State was, or claimed to be, the owner of an immense quantity of lands, which had been sold to it for taxes of preceding years. These lands were, as the property of the State, exempt from taxation, and a general distrust as to the validity of the sales under which they had been acquired deterred persons from purchasing them from the State. A considerable portion of them had been purchased by the State prior to the year 1861, and in the destruction of the records caused by the war all evidence of title as to a large portion of them had been lost. Others of them had been acquired under tax sales made during the war, and the taxes for which they had been sold were composed in part of levies for the support of the armies of the Confederate States. Such sales had been declared void by the courts. The proceedings under which by far the greater part of them had been sold were invalid, because of irregularities in the assessment and sales. The owners of these lands, finding them assessed to the State, and thus freed from taxation, and knowing that no title could be conferred by sale to purchasers from the State, were content to permit the continuance of the shadow which protected them from taxation, but did not threaten their possession. The evil was not only serious as it existed, but was constantly and rapidly increasing. It pressed itself upon the consideration of the Legislature, and the result was the passage of the Act approved March 1, 1875, commonly known as the Abatement Act."⁶¹

Again, in a dissenting opinion in another case, this same judge used the following language:

"In this condition of things the Legislature determined to deal with them as a separate and independent class, and for this purpose the Act under consideration was passed. In my opinion it was intended to sell under the provisions of the Act all the lands to which the State at that time held or claimed title, as shown by its rolls, regardless of any fact the existence of which would or would not invalidate its title. The State abandoned any claim, real or supposed, which it had to taxes for prior years. Whether the sales were valid or void, and whether if void they were void for one reason or another, whether taxes were really due for antecedent years or had all been paid, were by the very terms of the Act rendered wholly immaterial. Neither taxes due nor titles arising in the past were the subject of consideration. The sole purpose was to sell those lands 'held or claimed by the State,' under previous sales for taxes for so much only as should be due for the year 1874. Though called an abatement act, that was not its chief end or design. Abatement of taxes was declared not to benefit the former owner, but to induce the public generally to invest in the lands by reducing the price at which they might be bought. It is true that the State assumed some taxes to be due, but whether any in fact were owing could only be determined by investigation of matters *in pais*, and no investigation of this character was provided for or could be made. The fact that no taxes were due for years other than 1874 did not, in my opinion, withdraw the lands so mistakenly assumed to be delinquent from the operation of the Act. The rolls of land held or claimed by the State indicated, in my opinion, just what lands were intended to be dealt with, and are the sole and conclusive evidence of what lands were salable under the Act."⁶²

⁶¹60 *Miss.*, 282.

⁶²63 *Miss.*, 603.

The foregoing extracts from the opinion of the Supreme Court of the State of Mississippi is probably the best statement of the conditions necessitating the Abatement Act, its purposes, and the general intent of the Legislature in enacting it. As to the Act itself, it has been called "a marvel of obscurity, composed of twenty-five sections, each of which is probably unequalled, save only by its fellows, in prolixity and confusion."⁶³ The Supreme Court says that "an examination of this Act has impressed us with the conviction that what was the legislative will and intention as to the various details of the Act can never be known and scarcely approximated."⁶⁴ Fortunately the adoption of the code provisions as to the sale of the land frees that, the most important question, from all doubt.

It will be seen that while this law was passed as a special revenue Act, it was not intended to collect delinquent taxes, but to get large bodies of land then exempt from taxation into a taxable condition. These lands were subjected by the Act to certain taxes for the year 1874, and all tax collectors were required to proceed at once to the collection of these taxes. If these taxes were not paid on said lands by April 1, 1875, the lands should then become delinquent, and should be sold on the second Monday in May, 1875, for such taxes. It was probably not expected that such taxes would be paid. In short, the Act virtually ordered that these lands be listed and sold for the taxes of 1874, such sale to vest a perfect title if not redeemed within twelve months. In accord with this intention millions of acres of land throughout the State were sold on May 10, 1875, and a few days immediately following. In some few instances small tracts were bought in by private parties, but the great body of these lands in default of bidders was forfeited to the State. However, the Act was not a failure, because in twelve months' time the State's title would become perfected, thus enabling the State to convey good title.

The lands of the Liquidating Levee Board were to be subjected to the same abatement of taxes and the same listing and sale as State lands; that is to say, all the title of the State or Liquidating Levee Board to any land acquired by forfeiture for non-

⁶³ *60 Miss.*, 289.

⁶⁴ *Ibid.*

payment of taxes for years prior to the year 1874, was released to the former owners as if no forfeiture or sale for taxes had ever been made, all previous taxes abated, and the land subjected anew as the property of its former owner to the payment of the taxes due. It was contended that this Act would work the same advantage to the Liquidating Levee Board that it would to the State, that the Act was conservative and constitutional. The lands of the Liquidating Levee Board were sold under this Act on May 10, 1875, along with the State's land, and as directed by the Act, in the absence of purchasers, conveyed to the State.

An Act entitled "An Act to abolish the office of Liquidating Levee Commissioner, and to provide for the redemption of lands in the Liquidating Levee District, and for other purposes," became a law on April 11, 1876.⁶⁵ By the first section of this Act the office of Liquidating Levee Commissioner was abolished; and by the second, third, fourth and fifth sections the books pertaining to said office were directed to be deposited with the Auditor and Treasurer of the State, and provision made for the transferring to said officers all property belonging to said levee district and for determining what claims against the district should be recognized and discharged by said officers. Section 6 provided for the redemption at any time prior to November 1, 1876, without damages, of the forfeited lands in liquidating levee bonds, scrip or surplusage certificates heretofore issued. Section 7 provided for the sale by the Auditor of these forfeited lands after November 1, 1876, and before January 1, 1878, on the same terms as are provided for redemptions in Section 6 of the Act. Under these provisions redemptions and purchases were made without objection on the part of the bondholders, as their bonds and scrip were made receivable for State and county as well as levee taxes.

Section 8 provided that all deeds made by the "Auditor under the provisions of this Act shall be *prima facie* evidence of paramount title, and no suit or action shall be brought in any court of this State to vacate or impeach any such deed, or to maintain any title or deed antagonistic thereto, unless the same shall be brought within one year next after the date of such deed, and after the expiration of one year after the date of such Auditor's

⁶⁵ Laws 1876, p. 166

deed the same shall be held and deemed by all the courts of this State to be conclusive evidence of paramount title, and upon which actions of ejectment and all possessory actions may be maintained." Section 13 provided that for all lands mentioned in this Act not "redeemed or purchased as herein provided for, on or before January 1, 1878, no further time for redemption shall be allowed, and the title thereto shall be vested in the State of Mississippi, and no action in law or equity shall be maintained in any court of this State, * * * for the recovery of any such lands," etc.

There is no doubt of the legislative will as expressed in this Act. It was intended to accomplish what it was feared the Abatement Act had not done. That Act was intended to place all these lands into hands that would pay revenue on them, but in default of bidders all of these lands had all practically forfeited to the State. As yet the courts had not passed upon the validity of the sales of these lands made under that Act, and the Legislature undertook with this Act to perfect the State's title to these lands thus acquired. The State's shadow of title was to be made the actual title unless attacked within a certain time. We are told that:

"The evident plan and purpose was to permit the owners to redeem within a limited time and then to dispose of the land if unredeemed, to any purchaser who would accept the title which the State had previously acquired, fortified and protected by the operation of the eighth and thirteenth sections of the Act."⁶⁶

By expiration of time without regard to possession the Legislature sought to transfer title from the owner and vest it in the State absolutely, thus securing to the State the title against all the attacks of the owner upon any grounds whatsoever. In this respect this Act differed materially from the Abatement Act, for it will be remembered that that Act attempted to release to the former owner all title of either the State or Liquidating Levee Board, and the State proceeded anew to subject the lands as the property of these former owners to the payment of the taxes due.⁶⁷

This Act has a twofold operation: (1) it prescribes a short period of limitation, after which no suit shall be brought by the

⁶⁶60 *Miss.*, 1038.

⁶⁷Ibid.

owner for the recovery of the property, and (2) it gives to the conveyances under the tax sales a conclusive effect as evidence, thereby cutting off all inquiry into the existence of defects or irregularities, and thus operates as a curative law. Its operation is first to divest from the owner the constructive possession of his property and to invest it in another, and in favor of the possession thus transferred to put in operation a statute of limitation for its ultimate and complete protection. A complete title to land, according to Blackstone, consists of the possession, the right of possession, and the right of property. It is evident that the effort of this statute is to do indirectly that which may not be directly done, namely, to divest title by a mere legislative decree.⁶⁸

By an Act approved February 1, 1877,⁶⁹ the annual tax of five and three cents per acre, assessed by the Act of 1867, creating the Liquidating Levee Board, was reduced to one and one-half cents per acre. The outstanding bonds of the Liquidating Levee Board were directed to be called in and registered, and in lieu thereof new bonds at thirty-three and one-third per cent of the amount of the original bonds were directed to be issued, and said original bonds were required to be cancelled.

The above paragraphs give a brief summary of the legislative attacks upon the title of the Liquidating Levee Board. It was but natural that these new laws should soon bear fruit. Almost the immediate result of them was the case of *Green vs. Gibbs*,⁷⁰ probably the most prominent case in the legislative and judicial history of the State. As this case is a final adjudication of almost this entire subject, it will be well to look into it somewhat in detail.

Early in the year 1877 Joshua Green, the holder of \$84,000 of the bonds of the Liquidating Levee Board, issued under the Acts of 1867 and 1871, filed a bill in the Chancery Court of the First District of Hinds County, in behalf of himself and other bondholders, against W. H. Gibbs, Auditor of Public Accounts, and W. L. Hemingway, State Treasurer, in their capacity as *ex officio* Liquidating Levee Commissioners, and against the State of Mississippi, alleging: (1) that the Act of 1867, having

⁶⁸Ibid.

⁶⁹Laws 1877, p. 22.

⁷⁰54 Miss., 592.

been accepted by the holders of claims against the General Levee Board of 1858, and the bonds having been issued under that Act (Act of 1867) and the one of 1871, there was a contract which the State could not, by subsequent legislation, impair; (2) that the lands, which had been sold for the non-payment of taxes to the Liquidating Levee Board, were held in trust by them for the bondholders; (3) that the Abatement Act of 1875, in so far as it was intended to deal with those lands, and release back taxes, was unconstitutional and void; (4) that the Act of 1876, in so far as it imposed restrictions on the redemption of the lands, was unconstitutional and void, and (5) that the Act of 1877 was a direct attempt to repudiate two-thirds of the debt, and was void *in toto*. The bill then prayed: (1) that Gibbs and Hemingway, as *ex officio* Liquidating Levee Commissioners, be compelled to discover and set out by section, township and range the lands held by them as such commissioners in the several counties of the Liquidating Levee District; (2) that the lands be decreed to be a trust fund, and sold to pay the complainant and such other bondholders as should come in and aid in prosecuting the suit; (3) that the taxes imposed by the Act of 1867 be collected; (4) for a receiver to make such collection, if necessary; (5) for an injunction, etc. To this bill Gibbs and Hemingway demurred on the following grounds: (1) that the Acts attacked by the bill were constitutional; (2) that the Acts under which complainants' debt accrued were unconstitutional; (3) that the allegations did not warrant the relief prayed; (4) that the court had no jurisdiction, and (5) want of equity on the face of the bill. This demurrer was overruled by the Chancery Court and an appeal was taken to the Supreme Court of the State.⁷¹

On the appeal to the Supreme Court that court held:⁷² (1) that the Act of 1867⁷³ became a contract between the State and the Liquidating Levee Board on the one hand, and the holders of the bonds on the other, which neither party could thereafter materially modify, without the other's consent; (2) that the lands forfeited to the Liquidating Levee Board constituted a fund for the redemption of the bonds issued by said Board,

⁷¹ 54 Miss., 592.

⁷² *Ibid.*

⁷³ *Laws 1867*, p. 237.

which the Legislature could not divert; (3) that the Act of 1877⁷⁴ repealing the tax and offering bondholders the alternative of surrendering their bonds and receiving new ones of one-third of their face value, with a less tax to pay them, or not participate in the new tax, was unconstitutional, and (4) that the fact that the Liquidating Levee Commissioners are vested by the Act⁷⁵ with the power to sell the lands does not divest the Chancery Court of its inherent jurisdiction to administer the trust fund for the benefit of the *cestui que trust* on their application, and, in selling, the court may appoint the statutory trustee as its commissioner, as it may deem most advantageous to all concerned. The decree of the lower court, overruling the demurrer, was therefore affirmed and the cause remanded for answer.⁷⁶

On September 28, 1877, a decree was rendered in this cause by said Chancery Court ordering the defendants, Gibbs and Hemingway, Auditor and Treasurer, as *ex officio* Liquidating Levee Commissioners and *pro hac vice* commissioners of said court, to permit the former owners of the land included in the schedule, exhibited with their answer, to purchase, by way of redeeming the same, all of said land shown in said schedule, until December 1, 1877, after which time the said commissioners, until otherwise ordered by the court, should sell and dispose of all the lands undisposed of for such price and sum not less than all the liquidating levee taxes due and in arrears thereon, as in their discretion may be to the interest of the parties to the suit, taking in payment thereof currency or bonds or evidences of debt, included in said proceeding and exhibit in said cause. In pursuance to the decrees rendered in this cause W. H. Gibbs (and S. Gwin, his successor) as Auditor of Public Accounts, and W. L. Hemingway, as Treasurer, in their capacity as *ex officio* Liquidating Levee Commissioners and commissioners *pro hac vice* of said Chancery Court, in said cause, sold practically all of the lands which had formerly been sold to the General Levee Board of 1858 and the Liquidating Levee Board, which had not formerly been disposed of by said boards, and the sales made by them were properly confirmed by the Chancery Court.

⁷⁴ Laws of 1877, p. 22.

⁷⁵ Laws 1876, p. 166.

⁷⁶ 54 Miss., 592

Thus it is seen that the liquidating levee title not only held its own against repeated attempts on the part of the State Legislature to impair its strength, but came out with the sanction and confirmation of its sales by the Chancery Court, showing that equity had been done, adding strength to the liquidating levee title. This finishes the battle of the titles, leaving the liquidating levee title victor over all its enemies.

We pass now to the last division of our narrative, namely, the perfection of the liquidating levee title. It may seem needless after what has gone before to make any effort toward further perfecting this title; but when it is remembered that there still existed outstanding paper titles, which at any time could call this title into question, bring its owner into court and subject him to the expense and trouble of a law suit, the wisdom of eliminating these adverse claims will be seen. Conflicts of title always detract from the salability of land, and thus hinder and retard the material development of the country. The lands of the Ten Cent Levee Board passed to the State under an Act of April 11, 1876.⁷⁷ By another Act passed the same day the State became the successor of the Levee District Number One as to its land titles.⁷⁸ Thus the State had become the adverse claimant of the liquidating levee title both by virtue of these Acts as well as by direct forfeitures to the State. So, on March 14, 1884, the Legislature passed an Act⁷⁹ directing the Auditor of the State to execute a quit claim deed to all purchasers of lands in the liquidating levee district of any interest claimed by the State in any lands which had been sold by the Chancery Court under the decree of the case of *Green vs. Gibbs*, upon payment of such levee taxes as had accrued prior to the year 1883. If the Legislature could not perfect the title to these lands by confiscating the liquidating levee title, it would perfect it so far as the State's title was concerned by conveying whatever title the State had to the holders of the liquidating levee title. The Act of 1884 was intended to accomplish this end. The Supreme Court held in construing this statute that the Auditor had no authority to convey the title claimed by the State, except upon the condition that the grantee had paid the

⁷⁷ *Laws* 1876, p. 166.

⁷⁸ *Laws* 1876, p. 174.

⁷⁹ *Laws* 1884, p. 182.

taxes referred to in the Act, and since in many instances it was uncertain what amounts were due, the conveyances made under the Act was of doubtful validity.⁸⁰ To remedy this defect in the Act of 1884, the Legislature, on March 2, 1888, passed an Act⁸¹ entitled "An Act to quiet and settle the title to certain land in the Yazoo Delta which was sold by the commissioners of the Chancery Court of the First District of Hinds County, in the case of Green and others *vs.* Hemingway and Gibbs, Treasurer and Auditor and *ex officio* Levee Commissioners." The preamble of this Act recites that sales of large bodies of lands had been made under the Green *vs.* Gibbs decree, and that by reason of the lapse of time, the destruction of records and the loss of original tax collectors' deeds, it had become difficult in many instances for the purchasers of said lands to establish title of the Liquidating Levee Board; that the development and settlement of that portion of the State was much retarded by the unsettled condition of land titles, and that the public interest would be promoted by legislation which would make them secure.

The first section of this Act of 1888 made the deed executed by said commissioners under said decree *prima facie* evidence of the regularity and validity of said Chancery Court proceedings, and of the authority of said commissioners to sell, and *prima facie* evidence that the land embraced was duly and legally sold to the Board of Levee Commissioners up to and including the sale of 1874, and that the titles conferred by said deeds were to all intents and purposes valid. This section has been passed on by the Supreme Court of the State and upheld, the court holding, however, that the statute does not relieve a person holding under a deed by Gwin and Hemingway, which does not show when or by what particular sale the title to the land was acquired by the Liquidating Levee Board from proving the particular title by which the levee board claimed.⁸²

The second section of this Act of 1888 authorized the Auditor to execute deeds to purchasers from Gwin and Hemingway, commissioners, etc., conveying the State's title to the land purchased, and was somewhat similar to the Act of 1884, already

⁸⁰67 *Miss.*, 740.

⁸¹Laws 1888, p. 40.

⁸²68 *Miss.*, 779, and 25 *So. Rep.*, 863.

referred to. The third section of this Act made the deed executed by the Auditor, in pursuance to Section 2, *prima facie* evidence of paramount title. The Supreme Court in construing these sections have held that the Auditor's deed to purchasers of levee lands, though declared to be evidence of paramount title, did not operate to absolve such purchaser from pointing out the particular title by which the State claimed.⁸³ The fourth section prescribed twelve months as the period of limitation in which suits might be brought to recover land conveyed by said commissioners' deeds or by Auditor's deeds. The fifth section was an attempt to validate the sales made to the Liquidating Levee Board providing "that all sales of land lying in the district subject to the liquidating levee tax, heretofore made for said tax shall be, and are hereby declared to be, valid, * * * and shall not be impeached for any cause, except that the tax for which said land was sold has been paid."

It has been seen that it was the purpose of the Legislature by the Acts of 1884 and 1888, above referred to, to vest in the purchasers and their vendees the title of the State to the land sold under the decree in the case of *Green vs. Gibbs*. To further effectuate this purpose the following laws have been subsequently enacted: Chapter 77, Laws 1894; Chapter 162, Laws 1896; and Chapter 86, Laws 1902. All of these statutes are of the same general tenor, having for their end the quieting and perfecting of the titles of the lands in the Yazoo-Mississippi Delta.

What title did the Auditor convey by his deeds? In many instances there had been repeated forfeitures of the same land to the State. Some of these tax sales to the State were void, some were valid. On this point the Supreme Court has held that a deed from the Auditor to land acquired by the State at a sale for taxes passes to the purchaser such title as the State has; and if, at the time of the execution of the deed, the State holds a title acquired at any sale, it passes to the purchaser, notwithstanding that the deed may recite that the land was sold to the State on a day of sale different from that on which the title was really acquired, and when the sale was in fact void and passed no title.⁸⁴ Again this court, in construing this statute, said:

⁸³ 72 Miss., 447.

⁸⁴ 56 Miss., 371; 55 Miss., 27; 68 Miss., 739, and 73 Miss., 494.

"The intent of the Legislature was to convey whatever interest the State might have in any of the lands, without regard to the source from which the claim of title by the State might have been derived."⁸⁵

The effect of these remedial Acts and the decisions of the Supreme Court construing them is to pass title absolutely into those purchasing both from the levee commissioners and from the Auditor. If there was any defect in the liquidating levee title to any of its lands that was not cured by lapse of time under the Act of 1860, then all such land was clearly salable under the Abatement Act of 1875. All such lands were in fact actually sold under the Abatement Act, and in default of bidders struck off to the State. The title to these lands thus acquired by the State passed to purchasers by the deeds made by the Auditor under the Act of 1888. The Supreme Court has expressly ruled upon this point, holding that where lands had forfeited both to the State and to the Liquidating Levee Board, it is immaterial which of these two has title; a purchaser from the State under the Acts of 1884 and 1888, above referred to, and from Green and Hemingway under the Green *vs.* Gibbs decree, divests any title that the former delinquent owner may have had, and acquires a perfect title.⁸⁶

Few instances might arise where those under disability claiming under delinquent owners would not be barred by limitation. All questions of infant owners have been closed out by lapse of time. If perchance some lunatic was owner of some of these lands at the date of the original tax sales, and is yet alive, or the right of redemption has been recently cast upon others by his death, there would still exist in such cases a valid claim in the nature of a right of redemption. But this right would carry with it the obligation to pay accumulated taxes, which would probably equal the value of the land. Besides, the instances in which lunatics were the holders of land must be rare.

From the foregoing it will be seen that all titles to the lands of the Liquidating Levee Board have been concentrated into one title, with the single exception of the paper title of the delinquent owners, founded on patents from the government. This

⁸⁵ 38 *So. Rep.*, 506.

⁸⁶ 68 *Miss.*, 739.

old title of the delinquent owners, as we have already seen, is practically worthless. Its owners are in many instances dead, and their descendants will probably never know of it. It has seldom of late years been asserted, and invariably repudiated by the courts when so asserted. It will be remembered that Low and Lyman as trustees of the Mississippi Bottom Land Company of New York, were probably the largest of the delinquent holders. Their claim has passed down through the days of delinquency even unto the present day. The Greenville Land and Trust Company of Greenville, Mississippi, are now the owners of this claim. It is sometimes asserted by this company, only to be compromised upon the payment of a small sum of money, for which the company executes a quit claim deed, thus combining in the present owner a complete and perfect paper title.

During almost the entire period of conflicting land titles the Delta country had practically no development, but with the perfection of land titles came improvement. These fertile lands have constantly grown in demand until they are now sought after far and near. Before 1880 there were no railroads. The lands were principally wild lands, unimproved and seemingly unimprovable. In the summer and autumn of 1881 a very large quantity of these lands (probably two million acres) was bought by the Louisville, New Orleans & Texas Railroad Company and by one Eugene C. Gordon. These sales were made by the court, acting through its commissioners, in the case of *Green vs. Gibbs*. Soon after this the construction of the railroad from Memphis to New Orleans through the Delta was commenced and pushed to an early completion. This proved only a beginning of railroad construction in the Delta. The work has gone on year by year with accelerated rapidity and energy until to-day this territory is a perfect network of railroad lines.

The title to the large quantity of land bought by Eugene C. Gordon, referred to above, soon became entangled. On November 21, 1881, Gordon sold his land to Byron H. Evers, an Englishman, who in turn sold to several more Englishmen. These lands were sold on March 11, 1886, at Oxford, Mississippi, under a decree of the Federal Court, when Thomas Watson bought

them in for a trifle. Watson sold to the Delta and Pine Land Company, of which he was an officer and principal stockholder, on July 6, 1888. A quit claim deed was also executed a few months later by the several Englishmen to the Delta and Pine Land Company. Several years later a bill was filed in the Federal Court of the United States by these Englishmen praying that these several sales be set aside and that the title may revest in them. From a decree sustaining a demurrer to their bill complainants appealed to the Supreme Court of the United States. The following is taken from Justice Brown's statement of the facts of this case:⁶⁷

"Plaintiffs who were aliens, British subjects and residents of London, set forth that in 1881 or 1882 they, together with one Watson and one Baldwin, citizens of Illinois, were associated together in the purchase of a large quantity of land in Mississippi, known as the Delta, amounting to 500,000 or 600,000 acres, together with certain pine lands amounting to about 150,000 acres. That certain differences having arisen as to their respective interests, Watson filed a bill in the Chancery Court of DeSoto County against Evers, William Marshall, George F. Phillips, M. S. Baldwin, *et al.*, which was removed into the Circuit Court of the United States, wherein a decree was rendered on October 3, 1885, in favor of Watson for the sum of \$145,000 which was charged as a lien upon said lands, and in the event of the failure of the defendants to pay such sum within six months from the date of the decree, the lands were to be sold by one McKee, as special commissioner, for the satisfaction of the decree. The land was accordingly sold, and most of it bought in by Watson, such sale being afterwards confirmed by the court, 'that said decree was a consent decree, agreed to in a spirit of compromise, and accompanied with and based upon certain agreements to be hereinafter explained.' * * *

"It is further charged that before the sale of the land was had, Watson and his agents and representatives conspired with one Burroughs to prevent them (the plaintiffs) from being present at said sale, and to deter them from bidding for the lands, the result of which fraudulent collusion was that Watson bought the land at a mere trifle per acre, except about 162,000 acres, which it was fraudulently agreed that Burroughs and his friends should buy at their own figures. That but for such fraudulent collusion the Delta lands would have been sold for more than enough to satisfy the decree, and would have left, at least, the pine lands to plaintiffs in this bill and the other defendants in said suit, after fully paying their debt. Instead of this, they succeeded in securing all the lands, and still claim a large balance against the defendants in that suit as due by the decree; more, in fact, than Watson originally advanced for the purchase of the land. The plaintiffs were not aware of and had no knowledge of the fraud practiced upon them by Watson until recently, and long after the sale had been ratified and confirmed, and that this is the first opportunity to bring the matter before the court and ask a restitution of their rights and an equitable redress for the fraud.

"That the decree was a compromise decree, accompanied by stipulations, one of which was that the defendants were to have six months in which to pay the decree, and that, when they acquiesced and consented

to such decree, it was their intention and expectation, and it was so understood by all parties, to organize a land company in London and to sell the lands referred to in the decree for money enough to pay off said indebtedness, and the balance in stock and debentures and working capital, within the six months allowed to them by the decree. To accomplish this and to carry out the understanding, a company was organized at great expense to plaintiffs, and a satisfactory sale of the lands arranged to be made to such company, which would have been perfected and Watson's debt paid but for the interference of Watson and his agents, who, by circulating false reports affecting the title to the land, prevented such company from being floated, and defeated the efforts of the defendants in such suit in raising money to comply with their agreement to pay off such decree. That afterwards a son of Watson, representing his father and the Delta and Pine Land Company, visited London, and, recognizing the fact that the plaintiffs still had an interest in the lands, agreed to organize another English company, certain shares of stock in which company they agreed to receive. That plaintiffs, being ignorant of the fraud that had been practiced upon them at the time of the sale, and relying upon the statements of Watson's son, at his request executed quit claim deeds to their interests in such land, Watson stating that he wanted such deeds in trust solely for the purpose of facilitating the sale of the lands to such company, and promising that such deeds when executed should be deposited by him with Walter Webb & Company, of Queen Victoria Street, London, the solicitors of such company. That Watson, instead of depositing the deeds with the solicitors, fraudulently and in violation of his promise and agreement, sent the deeds to Mississippi, and caused them to be registered in the several counties in which the lands were located. That this was done without the knowledge and consent of plaintiffs; that the organization of the company was never perfected, negotiations for the sale of the lands had been abandoned. No stock was ever issued, plaintiffs never received any consideration for the deeds, or their interest in the lands. Such deeds were obtained by fraud and false pretenses and promises made by Watson were without consideration and are void. That plaintiffs are informed that Watson and the persons associated with him in the Delta and Pine Land Company have sold a large quantity of the lands at a good price, as well as a large amount of timber from the lands remaining in their possession, and have realized from such sales more than enough to pay the decree and the interest thereon."

The Supreme Court held that "the decree of the court below sustaining the demurrer and dismissing the bill was correct, and it is therefore affirmed." The effect of this decision was, of course, an adjudicated elimination of the Englishmen's title to all these lands.

In November, 1881, Byron H. Evers conveyed an undivided one-fourth interest in his lands in Mississippi to M. S. Baldwin of the State of Illinois. In October, 1885, Baldwin conveyed all his interest in these lands to Leander C. Goodsell, and in March, 1893, Goodsell exhibited his bill in the Chancery Court of Sunflower County, Mississippi, against the Delta and Pine Land Company and others defendants, praying that defend-

ants' title acquired through the consent decree in the Federal Court be annulled and held for naught. The defendants demurred to complainant's bill; the demurrer was sustained and complainant appealed. On this appeal to the Supreme Court of Mississippi, the point at issue was the jurisdiction of the Federal Court in the former case on removal from the State Court, and this court held that it did not appear beyond controversy "that on the record the Federal Court could not have had jurisdiction, so as to render such decree void," thus disposing of Goodsell's claim to these lands.⁸⁸

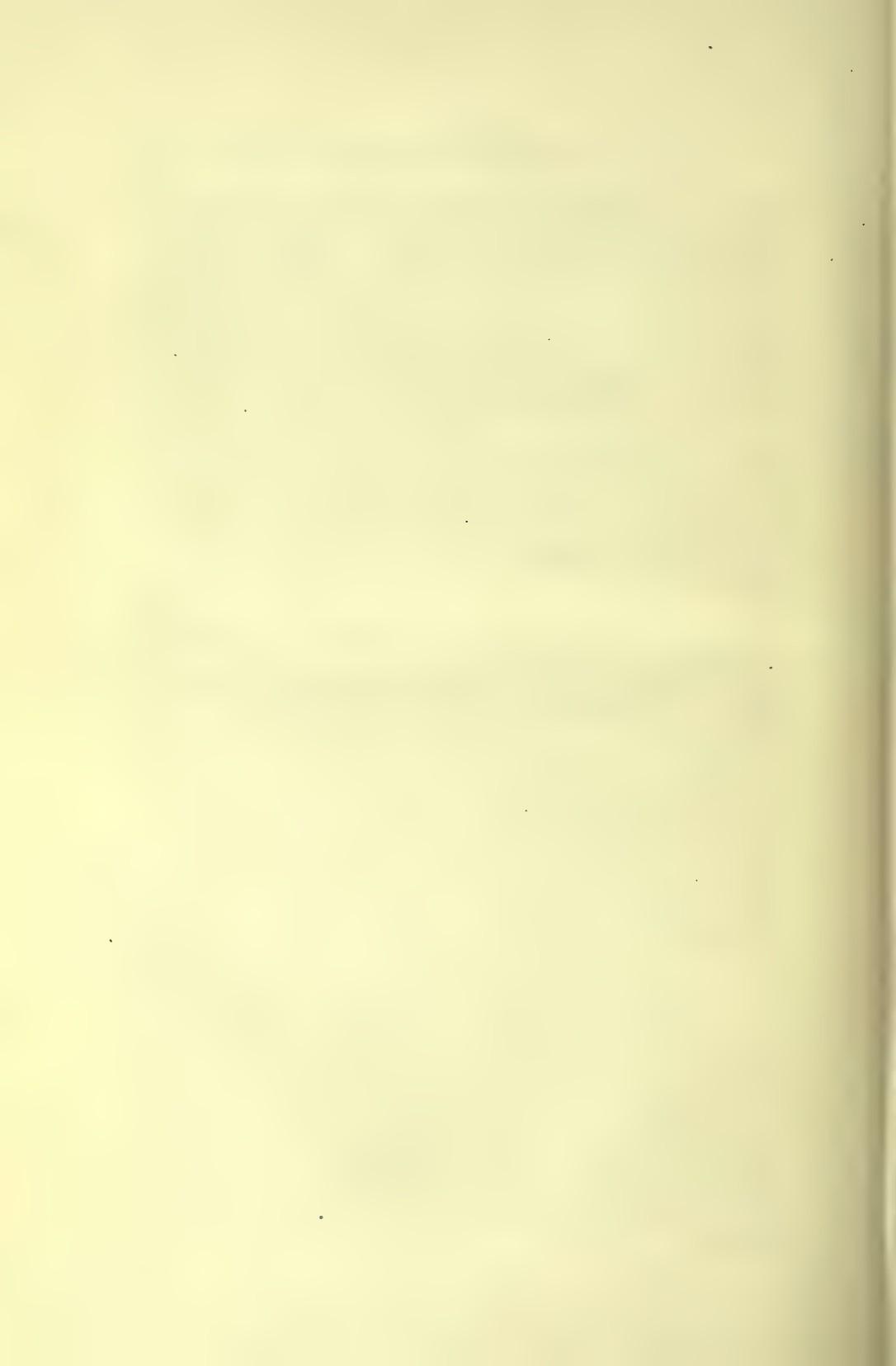
The Delta and Pine Land Company secured quit claims from the State to these lands in 1885, and in 1888, under the curative Acts of 1884 and 1885, formerly referred to. By means of these several conveyances and adjudications all title to these lands, with the exception of the claim of the original delinquent owners, was concentrated and perfected in the Delta and Pine Land Company.

The history of the title of the Delta and Pine Land Company has been given somewhat at length because this company became the owner of by far the greater part of the lands formerly belonging to the Liquidating Levee Board. The lands of this company were at the time of the purchase by them wild lands, and while this company has never engaged to any great extent in farming or other improvements of their lands, yet, better still, they have sold their lands to actual settlers. With the improvement of the levee in recent years these lands have almost all of them become cultivable. Ditches have been dug and the lands drained. With the partial disappearance of stagnant lakes and bayous, malaria has almost been eliminated, and with the sinking of artesian wells on almost every plantation, affording an abundance of pure and wholesome water, the health conditions of the country have greatly improved. The building of railroads and the growth of towns and cities have brought these lands before the public. Their primal forests of valuable timber have led to the establishment throughout the Delta of all kinds of manufactures of wooden wares. The great fertility of the soil, with its almost inexhaustible resources for farming, has year by year justified the planters in making constantly

⁸⁸ 72 *Miss.*, 580.

broadening inroads upon the wild woods, until immense cotton plantations of thousands of acres dot almost every section of this fertile country. The quantity and quality of cotton produced in the Delta probably surpass that of any other region in the whole world. Add to these excellencies the stability and perfection of the title to these lands by its latest owners, and the constant and increasing demand for these lands will be readily understood. The Delta and Pine Land Company has been called upon continuously to supply this demand. Thousands of acres of these lands have been sold year after year by this company to planters, farmers and timbermen. The terms have been easy and the price reasonable, varying from six to ten dollars per acre. Some of these sales convey small bodies of land, the smallest legal subdivision of forty acres in some instances, thus giving the small farmer with limited means opportunity to own and to operate his farm. Again, thousands of acres are conveyed by one deed, thus affording the big planters and timbermen fine investments.

The last fifteen years have witnessed marvelous developments in this resourceful country, and the present prospects for further growth and development in the future are brighter than ever before. No other section of the country has had greater difficulties to overcome than the Delta, and by no means the least of these difficulties has been the perfection of the titles to the lands. Probably no other country ever witnessed such a condition of land titles, yet this barrier has been slowly but effectually removed. It is exceedingly interesting to recount the entanglement of title, and as delightful to see the triumph of stability and simplicity of title. The jungles of the Delta's luxuriant wild woods seemed hardly less impenetrable, but as these wild jungles are every year becoming more and more the prolific mother of the fruits of labor, just so have tangled titles been converted into those of stability and trust. What the strength and industry of the muscle is now doing in turning the wildest woods into the most fertile fields, the invention and the ingenuity of the legislative mind have already done in the perfection of the titles. Both conquests have been and will be made, be it said to the credit of our people, as a result of their honest toil without the repudiation or even shirking of a single obligation.



HISTORIC LOCALITIES ON NOXUBEE RIVER.

BY WILLIAM A. LOVE.

The Choctaw word, Oka Noxubee (Oka Nakshobi) means *stinking water*, and was applied by the aborigines to the river of that name on account of the bad odor arising from its swampy bottoms after summer overflows, and not from the offensive smell of decaying bodies of slain enemies cast into it, as claimed by some Mississippi historians.¹

Noxubee River rises in the eastern portions of Choctaw, and the western portion of Oktibbeha Counties and flows in a south-eastern direction to the Tombigbee, which it enters a few miles above Gainesville, Ala. It was wholly within ancient Choctaw Territory and was, generally speaking, the dividing line between their permanent homes in the pine lands to the south and their summer hunting grounds to the north and east of the river, embracing the prairies of the present Oktibbeha, Lowndes and Noxubee Counties, in which fish and game abounded.

In their annual hunting excursions and other necessary travels all the crossings of this stream became familiar, so that at the advent of the white man's wagon all that was necessary in order to find a ford was to follow the Indian trails.

The crossing first in importance, within the historic period at least, is in the southern part of Oktibbeha County, very near the Noxubee line. It is locally known as the turnpike. This place was brought into prominence in 1826 by the opening of the Robinson or United States Government road from Columbus to Jackson. The first owner and occupant of the place was Daniel Nail, a halfbreed Choctaw. In 1832 Grabel Lincecum bought his interest, whatever that may have been, for \$500, and built a bridge, the first perhaps on the river, or in the nation. What concessions the Choctaws or the United States Govern-

¹See Lowrey & McCardle's *History of Mississippi*, pp. 120-121. The Rev. Allen Wright in his Choctaw Dictionary defines *Nakshobi* "to have a peculiar odor, as a sea beach, or the smell of fish." The word is never applied by the Choctaws to the odor emanating from dead animal matter, as a corpse, or carcass. The old-time Choctaw was usually satisfied with the scalp of his antagonist, and never took the trouble and exertion necessary to pollute his waters with dead bodies.

ment allowed him is not known, but he at least exercised the privilege of charging toll. On the organization of Oktibbeha County in 1833 an annual appropriation of \$500 was made by this county for the benefit of its citizens. In 1834 Lincecum sold this toll bridge to McKinney Holderness for \$1,000, Holderness sold it to Richard Watkins for \$2,000. Grabel Lincecum and Dr. John Watkins bought it from Watkins for \$5,000. They sold it to Grooch for \$20,000. Grooch sold it to Dulaney for \$30,000. He then sold it to James Stewart for \$800.

These facts and figures are given to indicate in a measure the rise and fall of the tide of immigration and traffic from the east that was pouring into the newly acquired territory. With such a bonanza as a toll bridge on this great thoroughfare it would seem that the owner's ambition to make money could be abundantly gratified. But this business venture was destined to have its vicissitudes. There were other residents of the new country who were not there for pleasure alone. One of the many taverns on this thoroughfare was situated a few miles east of the bridge. In order to popularize his "stand" with the traveling public the proprietor of this house would intimate to the traders in horses, hogs and negroes who stopped with him that at certain stages of water the river was fordable a short distance below the bridge. A hint to such travelers approaching a toll bridge was sufficient. But such conduct, causing much loss to the bridge interest, soon brought on disputes, lawsuits and bad feeling generally.

One mile and a half east of the bridge, on the Robinson road, was the Choctaw Agency, established soon after the treaty of Doak's Stand in 1820. Here the Choctaws received a part of their annuities from the United States Government prior to the Dancing Rabbit Treaty of 1830. This was a prominent place and known throughout the nation. In 1827 a National Choctaw Council was held there with Col. Thomas L. McKinney representing the United States Government in regard to ceding their lands and emigrating west, but without definite immediate results.

Humming Bird, a noted Choctaw chief, was buried there with military honors in 1828 by Colonel Ward, the Choctaw agent. From 1830 to 1833 it was occupied by Colonel Ward in the

capacity of agent for the registration of Choctaw families that desired to remain as citizens of Mississippi after the treaty of Dancing Rabbit. His unenviable reputation as a public official is too well known to warrant further mention in this connection.² He was lost to public view with the passing of the Indians but the evil effects of his arbitrary acts remained for years after his death.

Following the Ward regime the Agency was occupied by several persons successively as a "house of entertainment." Many uncanny tales were extant of thefts and robberies committed, and even of the sudden disappearance of travelers in this vicinity. In the light of the well authenticated fact that John A. Murrell's gang of robbers once operated along that road, and the recent discovery of human bones in an old long-abandoned well on the premises, these traditions are not lacking in verisimilitude.

An object of historic interest on the same road, last of the Agency, is the home of the Choctaw chief, David Folsom. The prominence attained by Folsom justifies the following brief sketch in this connection:

From Dr. I. W. Folsom, of Ardmore, Indian Territory, it is learned that Rev. Jacob Chapman, of Hexeter, New Hampshire, whose mother was a Folsom, wrote a complete genealogy of the family, commencing in the year 1635. The ancestral stock came from Hingham, England, in that year, and landed at Hingham, Mass. Subsequently Nathaniel, Daniel and James came to the Choctaws and married among them. To-day the name is borne by men who are prominent among the physicians, lawyers and jurists in the West. Many men of that name were in the Confederate army. David Folsom was born at Pigeon Roost on the Natchez Trace, January 25, 1791. At the conclusion of the Choctaw Council, held at the prairie home of Moshulitubbee in 1811, to consider the war propositions of Tecumseh, Folsom, then scarcely twenty years of age, was appointed to conduct that eminent war chief across the Tombigbee and out of the nation. In a fight with a band of Creeks near the present site of Memphis, Ala., he dispersed the marauders and completed his mission with credit to himself and to his warriors.

²See Riley's *Choctaw Land Claims*, in the *Publications of the Mississippi Historical Society*, Vol. VIII.

He was more zealous and successful than any other public man of his race in advocating and advancing the cause of education and Christianity. In 1818 he accompanied Rev. Cyrus Kingsbury, a missionary, in looking out a site for the Mayhew Mission. In 1825 or 1826 he built a new home on the Robinson road. The house was made of hewn logs, two rooms with a hall between but in after years a top frame story was added. It is now in a good state of preservation and is the oldest house in Oktibbeha County. This place was called "Gibeon." As a result of the owner's prominence it was visited by many persons of official and religious note. Here a Choctaw school was established and continued until the coming in 1829 of the Rev. Cyrus Byington, of the American Board of Foreign Missions, who organized a mission school called "Yakni O Kchaiya," meaning *Living Land*. This was situated about a mile and a half to the west. Here Mr. Byington taught and preached during the years 1829-30-31. The site is known to-day as the "Missionary Field." Just across the road from Gibeon was established an American village by the name of Folsom, which is now extinct. D. Folsom was elected Mingo of the Northeastern district in 1826. In 1830, in public council, he resigned the chieftainship. Soon after this occurred the civil disturbance at the Factory near Old Fort Confederation relative to the distribution of the annuities. Folsom, with his warriors assembled at the Council House on Noxubee River, whence they marched southward and united with Greenwood Leflore and his warriors. The united force then marched to the Factory and promptly quelled the disturbance. It was at this time and place that the noted meeting of Folsom and Nittakechi took place, as graphically described by Colonel Claiborne.⁸

From some contemporary accounts which were evidently not accessible to Colonel Claiborne, but which can be found in the Alabama Department of Archives and History, it is certain that he is in error as to the year, the locality and the specific cause of the discontent of Noshulitubbee and Nittakechi's partisans. The sole cause of this civil disturbance was the appropriation of the special annuity allowed by the treaty of Doak's Stand

⁸See Claiborne's *Mississippi as a Province, Territory, and State*, pp. 508-509.

to the Mission Schools. The full blood chiefs, while in favor of education, had become hostile to these schools on account of the religious features which were incorporated in the school curriculum. Nothing spectacular occurred at the settling of the disturbance. The disaffected chiefs simply yielded to the power of the stronger party.

Folsom commanded one of the emigration parties to the west and was elected national chief under the ballot system, the first to enjoy that distinction. He died at Doaksville, Indian Territory, September 24, 1847.

On the Noxubee River, one mile below the Pike, at a point known as "Lincecum's old mill," was the crossing place of the "Treaty Road." The old ford is still very plain and is doubtless a prehistoric site. This road was cut out according to Government contract by a man named Loring, from the Agency to the Dancing Rabbit Treaty ground and was used by the United States Commissioners, J. H. Eaton, Secretary of War, and other officials. It was subsequently used by Choctaw parties that rendezvoused at the Agency preparatory to emigrating to the West, also by Choctaws in attending councils at the Council House, which was situated on the east bank of Noxubee River, about a mile below the crossing. This locality is known as Council Bluff. The house was contemporaneous with the Agency and connected with it by a road.

Although there were several Indian crossings below Council Bluff on the Treaty road, only two of them are worthy of special mention. One was the Six Town Trail, which was about 600 yards above Bugg's Ferry, a point well known on the river. As its name implies, this trail led from the Six Towns district of the Choctaws into the Chickasaw Nation. Here Tecumseh and his Shawnee braves crossed on their noted mission to the Choctaws.

According to the valuable investigations of Mr. H. S. Halbert, Tonti, the heroic explorer, crossed Noxubee here on his route from Mobile to the country of the Chickasaws in 1702. Two and a half miles above Macon was the crossing of the Big Trading Path. The genesis of this path, like that of some other noted Indian trails, was in the remote prehistoric past. The first historic notice of it is found in Du Pratz's *History of Louisiana*.

Adair, in his *American Indians*, also speaks of it as "The Mobile Path."

It is interesting to note that in the course of time much of the Big Trading Path became part of the Military Road. At this crossing was established Starnes' blacksmith shop. Starnes was appointed by the Government as a blacksmith to the Choctaws. The crossing came to be known as Starnes' Ferry. It is not to the credit of Mississippi that all knowledge is forever lost of the exact site of the treaty ground of Mount Dexter, which was very near this ferry, but whether on the north or the south side of it is not known.

Just half a mile below this ferry on the north side of the river, where once stood a log cabin under the spreading branches of a large black oak tree, is the traditional birthplace of Pushmataha, the most prominent character in Choctaw history. The date of his birth was about 1764. Of his lineage, social status and the incidents of his early life nothing is known. He first came into prominence as a warrior, but soon rose to the position of a leader of war parties, his most noteworthy raids being upon the Osages west of the Mississippi. In recognition doubtless of these successful exploits he was raised to the position of Mingo of the Six Town, or Okla Hannali district. At the National Council in 1811, before which Tecumseh advocated his war proposition, Pushmataha was the principal speaker on the part of the Choctaws, and to him more than to any other person is due the action of the council in banishing the great Shawnee chief from the nation on penalty of death should he fail to obey promptly. When the Creek war of 1813 broke out Pushmataha was the most prominent of the Choctaw chiefs that served in the American army. He was commissioned Lieutenant-Colonel and gained great distinction at the battle of the Holy Ground. He was a prominent character of the treaty of Doak's Stand in 1820. He died in Washington City December 24, 1824, while there on public business with a delegation of his people. He was buried in the Congressional Cemetery with military honors and a monument was erected to his memory by his brother chiefs.

The last noted locality on Noxubee river to be mentioned in this connection is on its east bank, about 300 yards above the

influx of Shuqualak creek. This place is noted as being the ball ground of the Creeks and Choctaws, where they played a great international game about the year 1792. There were fifty champion players from each side and several thousand spectators from the two nations. After a long and hard struggle the Creeks won. A Choctaw resented the taunts of a Creek and from this a general battle ensued between the warriors of the two nations, which lasted during the evening and night, with the loss of many on both sides. By the intervention of the two chiefs hostilities finally ceased, the dead were buried and the surviving participants departed in peace.

The well attested tradition of the battle marks this place as one of the most historic spots on Noxubee River, a spot ever to be remembered wherein the olden time under the primitive rule of redress the red men of Mississippi and the red men of Alabama met in deadly strife. Relics of the dead warriors have been exhumed from their resting places on the ball ground, thus corroborating the truthfulness of the old tradition.

A GENUINE ACCOUNT OF THE PRESENT STATE OF
THE RIVER MISSISSIPPI AND OF THE LANDS ON
ITS BANKS FROM THE SEA TO THE RIVER
YASONS, THE N. W. BOUNDARY OF THE
PROVINCE OF WEST FLORIDA.¹

At the mouth of the River Mississippi are a Number of Small Islands or Mud Banks, upon one of which to the Northward of the three Usual passes into the River the Spaniards have erected a small House, as a Station for a Boat, Twelve Soldiers, a pilot and Six or Eight Boatsmen, and upon another of them (to the Southward of the Said three passes) there is also a Small House, formerly a French Station, upon which a flag staff is erected and from whence the Spanish Pilot or his Assistant keep a look out to Sea for Vessels, these Houses or Stations are respectively known by the Appellation of the French (or Old) and the Spanish (or new) Balyc.

The Northeast pass have nine feet water with a hard Sandy bottom, the East, (or middle), pass has Twelve Feet Water with a soft Muddy bottom; and the Southeast pass has Eleven Feet Water with a soft Muddy bottom—But as the Bars of all these passes are perpetually Shifting, it would be very imprudent for any Vessel drawing more than Seven feet Water to attempt to go in over the same without the Assistance of a Pilot.

The Current through all these passes is extremely rapid; setting when to the Norward of them Very Strong to the Northeast; and when to the Southward of them as strong to Southwest into the dangerous Bay of St Bernard.

About two leagues up the River and on the Eastern side thereof is the pass Loutre, which cannot be Navigated by Vessels drawing more than Six feet water.

Opposite this pass an English pilot has Stationed himself in a Floating tenement, the Spaniards not suffering him to Settle

¹The manuscript from which this anonymous document was copied contains the following explanatory note: "Copied from a manuscript among the papers of George Chalmers, Secretary of the Board of Trade of Great Britain, and found in the Peter Force collection in the Manuscript Department of the Library of Congress, at Washington, MS. No. 1 of Mississippi Papers. The original is without date, but was written about the year 1773, as shown by internal evidence." —EDITOR.

himself on either of this part of the River and Keeps a Bermuda Built Shallop in which he cruises off the Rivers mouth for Vessels coming from Sea.

About two leagues above the pass Loutre on the Opposite of the River is the Southwest pass, at present little known and totally unus'd by Vessels; though it is apprehended the Bar of the same has a great depth of Water as these first described.

From the pass Loutre to the first Hut; Six leagues the lands on both sides the River are low and Swampy; without trees and absolutely uncultivatiable, the sea here being no where more than half a mile from the River, and having frequent Communications with it by small Creeks.

From this Hut to what is Called the First Habitation (three Leagues) the lands are likewise chiefly uncultivatiable from their too great similarity to the former.

From this Habitation to the Concession (fourteen Leagues) the lower of the Lands is also somewhat similar to these last mentioned, and is Consequently very thinly Inhabited and badly cultivated; but the upper part of them pretty thickly settled by the French and Dutch Inhabitants; few of these however have any Negroes; none perhaps more than half a dozen; they go chiefly on the cultivation of Corn and Rice, and on Raising Stock, and Poultry, such part whereof as they can Spare from the support of their own family's they sell to the Vessels trading up and down the River, and by that means Supply themselves with some Necessarys and Luxaries.

From the Concession to the Town of New Orleans, (six Leagues,) is a tract very thickly settled on both Sides of the River by French Inhabitants, and in the highest State of Cultivation; Indigo is their Chief object though are here and there some Saw Mills for Makeing Cypruss Lumber; and those planters may be considered in some degree wealthy generally possessing from ten to Fifty Slaves which from the amazing fertility of the Soil in the produce of Indigo, yield them a very Comfortable (if not a genteel) Revenue.

The town of New Orleans (the Capitol of the Spanish Territories on the Banks of the River) is Thirty two leagues from the Sea & Beautifully Situated on the Eastern Side thereof, its streets are laid out at Right Angles & are Spacious enough,

when under the French Government, it was well built & very populous; but since it fell into the hands of the Spaniards, has been gradually declining, insomuch that it is at this time supposed to Contain not more than 1500 Souls.

The French settlements continue on both sides the River, are also in the Highest State of Cultivation. Indigo being likewise the Sole object of these planters, some few of whom possess even 100 Slaves.

The Dutch [German] settlements join the French ones & extends about Six Leagues further up the River through these people are not generally possessed of so many Slaves as the French, yet they are annually becoming wealthy; being very Industrious & like the French going principally on the Cultivation of Indigo.

The Acadians settlement joins the Dutch ones Extending about Eight Leagues upwards on both sides of the River, & as high up as the Ilberville on the Eastern side thereof; these Acadians were Newtral French, once settled on the Bay of Fundy in Nova Scotia who Finding they could not procure Lands in the English Colonies on Reasonable terms, Emergrated about Eight Years ago [1765] to this River & meeting with great encouragement from the Spanish Government, sat down on its Banks; being allowed in proportion to each Family four or six Acres (of 180 feet each) upon the Front of the River & forty Acres in Depth from the Same—a plantation of Six Acres in front Forty in Depth containing about two Hundred square Acres, as these people brought no property with them few of them have yet been able to purchase any Slaves; some of them however do possess two three or four, but none more than half a dozen.

They have hitherto gone wholly on the Cultivation of Corn and the raising of Stock & Poultry, which they Sell to the Shipping the Lower Plantations & at the Town of New Orleans—indeed a Considerable part of their time has been hitherto employed in clearing their Lands; however upon the whole they Justly merit the Characters of Industrious & useful Settlers; probably in a political (if not a Commercial) veiw, will one day be the Bulwark of this province.

From the termination of the Accadian settlement on the western side of the River to Point Coupee a Distance of Twelve leauges the Country is uninhabited, if you except two or the [three] Scattered Huttts.

Point Coupee one of the oldest settlements on the Banks of this River under the Spanish Government is perhaps the most beautiful, as well as fertile spot constiguous to the Mississippi though the lands have been in constant Cultivation for Forty Years past, yet they do not appear to have sufferd the least degree of deminution in the Fertility of the Soil. The planters here even now sometimes make 100 lb. of Choice Indigo from one Acre and about 75 lb. may be considered as their Average—one Negro will plant & attend two acres of Indigo & withal can Raise his own provisions the planters generally possess from 20 to 100 Slaves and some more; last year 50000 pounds of Copper Indigo of the best quality (about one Fourth of all the Indigo raised on the bank of the River) was made in this Settlement. These Lands are bounded by a Cypress swamp lying parallel with the River at about a mile distance from it, & that swamp is bouned by the great plains of apatachic (?) where live a Considerable number of French Settlers, who raise Mules & Cattle, & bring them down annually for sale to Point Coupee. There are no settlers higher up on the western side the River.

Previous to a Description of the English Territory it will be Necessary to make the Following general Observation Restricting the land From the First Habitation to the Ilberville Vizt That the extension of the Settlements backwards on both sides of the River is Confined by a Cypress swamp, running parallel therewith, so as to give no place more than a Mile and in many places not half a mile of plantable Land in depth from the River that these Cypress Swamps are bound by the great bay of St Bernard and the salt lakes, and ponds communicating therewith on the one hand and by the Lakes ponchartrain and Maurpas on the other, and that the Lands immediately on the Banks of the River being generally higher than these that lye at some distance from it, None of the over Flowing Water of the Mississippi ever return into the Channel.

The River, (or Rather the Creek,) Ilberville, on the Eastern side of the Mississippi, bounds part of the Isle of Orleans and

forms the Division of the English and Spanish settlements it Run into the Amit and is almost dry for Seven months in the year being never Navigable even for Canoes except when the Mississipi is high.

Here [on the Iberville] is the English Tour (or rather intended Town) of Manshac. Thirty Five Leagues from New Orleans, where the English Territories on the Banks of the Mississippi commences.

The First settlement from thence (two Leagues and a half from the Iberville) is Mr. David Williame's & from the lower line of this Settlement, to the lower Boundary of Mr. Mitchel Tract the Lands are Level or Rather low but Sufficiently dry & Firm and withal extremely Fertile this Space are Six Settlements.

From the lower line of Mr. W's tract to the upper boundary of Mr. Watts's plantation (two Miles) a level beautiful amazingly Fertile, and about a Mile in Depth, runs parallel with the River at the extent whereof commences a Gradual rise terminating in another level equally beautiful the whole being Covered with lofty oaks Magnolia's Cane's &c. This tract is Capable of the highest degree of Cultivation either for Health wealth or amusement, the upper Level being adorned with several natural mounts Commanding very extensive views' of the River (which here makes a fine angle) and of the Lands opposite & adjacent. Yet there are only two Settlements in this place tho' the whole of it is Located.

From the upper Line of Mr. W's settlement to Mr. Poussets plantation (two Leagues) a Cypress Swamp a quarter of a Mile in depth runs parallel with & very near to the river, the Settlers here living on the high Lands aback of the same, which cut's off their Communication with the River for a Considerable part of the year in this space are Five Settlements.

Mr. Poussets is settled on part of Govenour Johnson's 10000 Acre tract the Land whereof are generally high to the Waters Edge.

From Mr. P's to Mr. Comming's plantation opposite to the first Island in the River (three Leagues & 2-4) the front Lands are generally overflowed & are Called Devils Swamp within this tract Govenour Brown has Located 2000 Acres.

Between Mr. C's Plantation & Crowns Cliffs (one League) where Govenour Brown's has Located another tract of 17000

acres there are about half a Dozen pretty good Settlements; at the upper end of those Cliffs is Thompson's Creek Navigable for Batteaux when the River is high & for Canoos when it is low to that vast of Country called the plains, lying back of Govenour Browns last mentioned tract & Cultivated for Raising & feeding Great quantity's of Hogs Cattle &Ct.

Between this Creek & Mr. Williams Settlement which is very beautifull & fertile one nearly opposite another Island in the River (a distance of about Twelve Leagues), there are half a dozen more good Settlements.

From Mr. W's plantation to the Natchez Fort (forty five Leagues) are only two Settlements of any note on the Bank of the River.

Previous to a description of the Natches Lands it will be good to make tho these general Observations Vizt that from Thompsons Creek to the Natches Fort a Cypress Swamp about half a Mile in depth runs parallel with the River and Generally Cut's of its Communication with the Several plantations for some part of the year and that from the Mainshore to that Fort, the Lands aback of all the Settlements are either high & woody (yet very Fertile) or Spacious plains, here & there interposed with forest Lakes & ponds abounding with Fish & wild fowl.

The Natches lake a French Settlement (Seventy Leagues from the Main shore, 105 from New Orleans & 140 from the Sea) was formily the happy seat of a Tribe of Indians, call'd after that name and esteemed the most Warlike on the Continent of America, but where totally exterminated by the French.

Within this district (which takes in a very Large tract of Country) are the most fertile, beautiful healthy and varigated Lands in this province, or perhaps on the whole Continent of America, Wartered by and abundance of Springs & Rivulets without Swamps and every where interposed with spacious Clearings once old Indians Feilds or French plantations fit immediate Cultivation.

This district is Chiefly Located tho' not yet much settled & Lots may be purchased here on very moderate terms; It is also proposed to lay out immediately a Township with Lots Contiguous to the same on part of the King's revinue of 10000 Acres near the Fort which Lots are to be sold at vendue next Spring at Pensacola, or on the spott.

It may here be well worth observing that there are many Scattered English Settlements on the Eastern side of the River as high up as the River Yasous, which is about Fifty Leagues above the Natchez Fort & 190 from the Sea that the Lands (if possible) rather improve (in beauty at Least if not in Fertility) as you proceed from the Natchez and that the Mississippi preserves its wedth & depth from the Sea to the Yasous being every where very spacious and from ten to thirty fathom Deep—its Current is very Rapid but particularly so when the River is full, which Rises Annually at the Natchez Thirty Six feet above it usual Height and then its Navigation is also a good deal incommoded with floating Logs and Trees.

Mr. George Gaul's general directions for Sailing from the Pensacola Bar to the Balyce

The Bar of Pensacola lies in Latitude of $30^{\circ} 23'$ and the New Balye in $29^{\circ} 11'$ The Course by the Compass is about S.W. 42 Leagues, but it is best to Steer, S. W. $\frac{1}{2}$ W. that you may fall a little to the Norward of the Balye; and never stand into less into 12 fathom Water in the Night time. The Soundings immediately of the Balye are very deep there being 20 or 30 fathoms with soft Muddy bottom, within a few miles of the Shore. The Land about the Balye is very low and marshy, and would be very difficult to be known if it was not for the House and flag Staff which is a remarcable Object and appears before you can well see The land, bring it to bear about S W at two Miles distance, or nearer According to the weather, and wait till the Pilot comes on board.

About 7 or 8 Leagues N N W from the Baly'e lies the Island of Grand Gosiers, the S point of which is in $29^{\circ} 32'$ between this Island and the Isle are Breton there is very good Anchorage in $3\frac{1}{4}$ or 4 fathom Water, where you may lie Sheltered from the Easterly Winds, to which the Enterance of the Mississippi is exposed. If you should find Ocasion to go there you may range along the Island of Grand Gosiers in 3 or 4 fathoms about 2 or 3 Miles of its Shore, where the Soundings are regular, and you will Observe a Spit of Breakers running from the SW point about 2 Miles in lenght. Keep pretty Close to the W extremity of that spit, where there is from 5 to 7 fathom Water Luff up round to the N E till you get under Shelter of the Island and come to and

Anchor. It is very Convenient and necessary for those who frequent the Mississippi to be well acquainted with this place.

G G

A Calculation of the great and Certain increase to be made in ten years by the Cultivation of Indigo on the banks of the Mississippi supposing a planter to begin with ten working negroes that each slave shall make 120 pounds of Indigo annualy that the planter shall yearly appropriate Eighty pounds thereof (to be sold at one Dollar pr pound) for the purchase of additional Negroes at 200 Dollars a Head

<i>Anno.</i>	<i>Negroes on plantation.</i>	<i>Indigo Approd.</i>	<i>Negroes purchased.</i>
1777	10	800	4
1778	14	1120	6
1779	20	1600	8
1780	28	2240	11
1781	39	3120	15
1782	54	4320	21
1783	75	6000	30
1784	105	8400	42
1785	147	11760	59
1786	206	16480	82
	82		

288 slaves.

56 £ Sterling for Each when seasoned

1728

1440

16128 real property in slaves at the Close of ten years.

By the Above Estimate it appears that the planter will at the Expiration of the tenth year, be posses'd of 288 Slaves which will undoubtedly (be Season'd ones) be worth at least 250 Dollars or 56 £ Sterling one with another and would improve his Original property therein of 450 [] to that of 16128 Sterling.

Finished

A CONTRIBUTION TO
THE HISTORY *of* THE
COLONIZATION MOVE-
MENT IN MISSISSIPPI

By FRANKLIN L. RILEY

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A CONTRIBUTION TO THE HISTORY OF THE COLONIZATION MOVEMENT IN MISSISSIPPI.

BY FRANKLIN L. RILEY.

The editor of these publications has devoted several years to collecting materials for a history of the colonization movement in Mississippi, and particularly of the work of the Mississippi Colonization Society. The results of his efforts have been so unsatisfactory that he has decided to print in full, as merely a contribution to the subject, the materials he has gathered, hoping that some other investigator may be so fortunate as to find the necessary information for making a complete history of this interesting humanitarian movement in Mississippi.

I. BIOGRAPHICAL SKETCH OF DR. JOHN KER.

The important and unselfish part taken in the colonization movement in Mississippi by Dr. John Ker, Vice-President and Agent of the American Colonization Society and Vice-President and member of the Executive Committee of the Mississippi Colonization Society, justifies the insertion of a brief sketch of his life in this connection. Although none of the three obituaries now in the hand of the writer, which were published at the time of his death, give even a passing reference to his efforts in behalf of colonization, the documents here published justify this recognition of his services.

Judge David Ker, the father of the subject of this sketch and the founder of the family in Mississippi, was born of Scotch parentage at Down Patrick, North Ireland.¹ He was educated at the University of Dublin. He then entered the ministry, becoming a member of the Presbytery of Temple Patrick in the north of Ireland. In 1789 he emigrated with his wife, Mary, to North Carolina. In that year his name appears as a

¹The Kers of Scotland are a very ancient and historic family. They lived for the most part along the border. They are frequently mentioned in Walter Scott's "Tales of My Grandfather." We are told that "the Dukes of Roxburgh and the Marquises of Lothian are younger branches of this family." See Goodspeed's *Memoirs of Mississippi*, Vol. III, p. 521.

member of the Orange Presbytery of that State. The year following he resided in Fayetteville, N. C., where he served in the double capacity of minister and teacher in a classical academy. He became a member of the first faculty of the University of North Carolina upon its organization in 1794. Shortly thereafter he removed to Lumberton, where he engaged in mercantile pursuits and studied law at odd times. In 1800 he removed with General Willis, of Lumberton, to a place in Mississippi near old Greenville in Jefferson County.² Shortly thereafter he was appointed clerk of the territorial court. In 1802 he was given a temporary commission as one of the territorial judges of the Superior Court of Mississippi. In December of that year Governor Claiborne wrote to President Madison as follows:

"Mr. Ker's appointment has given much satisfaction to a large majority of the citizens. He is a valuable acquisition to the bench."³

About a month later he was given a permanent commission, very much to the satisfaction of the citizens of the territory.⁴

His abiding interest in the cause of education is shown by the fact that he became a member of the first Board of Trustees of Jefferson College and attended, on January 3, 1803, the first meeting of that body. He was also appointed a member of the committee to select a site for the new institution.⁵

He died in 1805,⁶ leaving five children, two sons and three daughters, to take care of his widow. Mrs. Ker at once began teaching in order to support and educate her dependent family.⁷

Dr. John Ker studied medicine several years in Philadelphia. Returning to Mississippi at the outbreak of the Creek war, he

²For a sketch of this interesting and long since extinct town see Riley's "Extinct Towns and Villages of Mississippi" in *Publications of the Mississippi Historical Society*, Vol. V, pp. 345-347.

³Claiborne's *Mississippi*, p. 238.

⁴See Owen's "Federal Courts, Judges, Attorneys, and Marshals in Mississippi, 1798-1898," in *Publications of the Mississippi Historical Society*, Vol. II, p. 151.

⁵See Morrison's "Early History of Jefferson College" in *Publications of the Mississippi Historical Society*, Vol. II, pp. 179-180.

⁶Claiborne incorrectly gives the year 1810 as the date of Judge Ker's death.

⁷The sketch here given is based on the following authorities: Claiborne's *Mississippi*, pp. 141, note, 231, note, and 238; Goodspeed's *Memoirs*, Vol. I, p. 1073, and Vol. II, p. 521; *Publications of the Mississippi Historical Society*, Vol. II, pp. 148, 149, 151, 179, 180.

became a surgeon of the brigades of Louisiana and Mississippi territory volunteers.⁸

During most of the campaigns he shared the privations and hardships of his comrades, who at times had neither blankets nor tents. This resulted in the permanent impairment of his health. His service in the Creek war was rendered conspicuous by the fact that he and Lieutenant Alexander Calvitt were sent by General Claiborne to his superior officer, General Flournoy, to urge him to countermand an order issued to the volunteer forces after the massacre at Fort Mims that they should act strictly on the defensive. The mission was successful and the volunteers, who had chafed under the restraining order, immediately marched into the Creek nation and completely crushed the power of the enemy in the bloody battle of the Holy Ground.⁹

At the conclusion of his military service he settled in Natchez, where he soon attained prominence in his profession. In the course of a few years, however, he voluntarily gave up his practice in order to devote his time to his extensive planting interests. He became so thoroughly identified with his new occupation that at the time of his death his pastor, Rev. J. B. Stratton, said that "he is chiefly remembered now as the industrious, benevolent and honorable planter." He represented Adams County in the upper House of the Legislature during one term, but public life was so distasteful to him that he ever afterwards declined all solicitations to offer himself for public office.

In 1829 he was married to Miss Mary Baker. To them were born twelve children.

In 1830, in the maturity of his age, he became a member of the Presbyterian Church in Natchez. Owing to his extreme diffidence it was not until the last year of his life that he could be induced to accept a church office. His scruples finally gave way at the repeated solicitations of his fellow members and he was ordained a ruling elder about nine months before his death.

⁸Claiborne's *Mississippi*, p. 320, note.

⁹Details of the battle of the Holy Ground will be found in Halbert and Ball's *The Creek War*, pp. 241-265; Claiborne's *Mississippi*, chapter 27; also in Pickett's *History of Alabama*, chapter 56. An account of Dr. Ker's service, as related above, will be found in *The Concordia Intelligencer* (Vidalia, La.) of January 12, 1850.

In the latter part of 1849 Dr. Ker removed with his family to his plantation home on Lake Concordia, a few miles from Vidalia, La. For years before his removal he had spent so much of his time in Louisiana looking after his plantations that he came to be looked upon by the citizens of that State as one of their number. We are told, however, that "he had been so thoroughly identified with Adams County, Miss., by long residence and otherwise, that an actual change of citizenship for years would not have been enough to induce the people of that county to relinquish their claims on him as a citizen of their community."¹⁰

Scarcely a month had passed after Dr. Ker's removal to Louisiana when, on January 4, 1850, he died suddenly, surrounded by his family, from the effects of a disease of the heart, which had several times threatened his life. He was buried in the family burial ground on his old and favorite estate, "Linden," in Adams County, Miss. The following estimate of his character is taken from an editorial in the *Concordia Intelligencer*, to which reference is made above:

"While he exacted nothing from any one, his clearly defined and well understood course of life commanded the sincere respect of every one who had the good fortune to know him. There never was an instance where the respect of his fellow citizens has been conceded to an individual with more justice. His high character owed nothing but to the purity of the native elements from which it was formed. From his earliest years, upward and onward through a long life of uniform correctness, his virtuous deeds have entitled him to the highest place among men. He was a man of very marked character and we could wish that the most distinguished *civil* citizen of Adams County, whose attachment to him was widely known and whose counsel he always followed, would sketch that character for the benefit of those now about to buckle on the armor of manhood. It would do more to point a moral than to adorn a tale. It would raise the standard of integrity by elevating the cherished object of those aspirations that, aiming to soar high, have no basis save the elevating resolution that receives its strength from conscious integrity. The life of Dr. Ker, as an honest and honorable man, sketched in its veriest detail, would not present a stain to mar the consistency with which his early resolution has been sustained. But even this does not exhibit the fullness of his character. He was *actively* good and never was found lacking in confidence and courage to do good or to do rightly, how threatening soever the consequences might have seemed. The pen that might trace his life would be vindicated in these positions at every stage of it."

As a rule obituary notices are not regarded as entirely impartial. The following extract, however, written by Rev. J. B. Stratton, Dr. Ker's lifelong associate and friend, is said to contain a true estimate of Dr. Ker's character:

¹⁰Editorial in *The Concordia Intelligencer* of January 12, 1850.

"Few men at the end of sixty years can look back over a life as unblemished, as uniformly distinguished by strict, unbending integrity, honorable principle, delicate courtesy and simple, childlike truthfulness, as was Dr. Ker's. Surrounded with peculiar temptations in early life, he steadily pursued the path of virtue. He dared to separate himself from the corrupt usages of the day and chose to be singular rather than lose his own self-respect. His greatest triumph over himself and the world, however, appeared in his religion. * * * He was the 'just man,' 'the upright man,' 'the righteous man,' 'the good man.' He was 'the poor in spirit,' 'the merciful,' 'the peace-maker.' * * * Every enterprise that had for its object the promotion of education, religion, or the public good in any form was free to lay a claim on his sympathy and his means."

The following extract is taken from the minutes of the Executive Committee of the American Colonization Society at their meeting on the 16th of March, 1850:

"The Executive Committee, having heard of the death of John Ker, M. D., late of Natchez, Miss., one of the Vice-Presidents of this Society, unanimously adopted the following tribute to his memory:

"It is with sentiments of heartfelt sorrow that we have heard of the death of our valued friend and fellow laborer for Africa's welfare, John Ker, M. D. We consider his death a bereavement whereby society has lost an accomplished gentleman, the cause of benevolence a bright and able advocate, and the church an exemplary and noble Christian. His devotion to the interests of this society was worthy of all commendation. One of its earliest friends and contributors, there was no sacrifice which he was not ready to make for it; no labor demanding zeal, talent and efficiency which he was not ready to perform. Long should the *Ross slaves*, now freemen in Liberia, cultivate sentiments of the liveliest gratitude to him as the chief instrument of their redemption. And long may we cherish an affectionate remembrance of his eminent private and public virtues, and his distinguished exertions in the cause of humanity.

"We tender to his family our warmest sympathy in their deep affliction.

NOAH FLETCHER, *Clerk.*"

II. LETTERS OF DR. JOHN KER.¹

TO R. R. GURLEY.²

NATCHEZ. April 13, 1831.

DEAR SIR—I am uncertain whether I ever performed the duty of acknowledging the rect. of your favour of December last, together with the annual reports of the A. C. S. from the 6th to the 12th inclusive. Recently I am again indebted to your kind attention for some copies of the 13th and two copies

¹The letters here reproduced were kindly loaned to the editor of these Publications by Miss Mary S. Ker, of Natchez, Miss., daughter of Dr. John Ker.

²Indorsed No. 1, J. Ker to Mr. Gurley.

of the 14th and last Report. Ill health and more pressing occupations must apologize for my silence. Indeed I had anxiously hoped by a short delay, to be able to communicate cheering information in relation to the great object which We have so much at heart. The ways of God are inscrutable; and on this occasion We are called upon to submit to disappointment (at the present) in the most sanguine hopes for the success of a cause, which I cannot and will not doubt, He will yet ultimately and signally bless. Our session has closed without doing anything in favour of colonization. Pretty early in the session the subject was bro't up by referring the Resolutions, which last year passed the Senate, to a joint committee of the two houses. This course was deemed the most eligible by the mover of the subject in the House of Representatives (Mr. Porter) principally because it being a new legislature, even the same resolutions would require to be readopted by the Senate. Mr. Porter who was first named on the part of the House upon the committee, and I on the part of the Senate, had apparently little difficulty in procuring the concurrence of the other members of the committee in our views. We were authorized by the committee to prepare a Report recommending the adoption of the Resolutions and also an appropriation of \$5,000 for the purpose of promoting the emigration of free persons of colour from Louisiana. A report was accordingly prepared, and a Bill to accompany it making the proposed appropriation. Unfortunately several attempts to get the joint committee together proved fruitless, and Mr. Porter felt Himself authorized to offer the report to the H. of R. without farther loss of time. A young creole member (Mr. Guiann) whose literary vanity had unfortunately been stuffed by a ridiculous Act of the Legislature, took advantage of the circumstance of the Report not having been submitted to Him (altho He had distinctly acquiesced in the recommendations it adopted) and stated to the House this fact and His desire of making a separate or counter-Report. No objection was made to this, and a few days after He made His report which was calculated to do all the injury He could to the cause, altho He still acquiesced in the measures recommended. The journals of the House present a singular anomaly in the "adoption" first of the Report of the com-

mittee, and then of the counter Report of Mr. Guiann. About this period the illness of my wife induced me to leave my seat in the Senate for a short period, not however until the Report had been read and laid on the table. At the time when it was read, a French member of the Senate (Mr. Burthe of N. Orleans) who had also been on the committee, rose and said that, He concurred fully in the objects of the Society and in the measures recommended by the Report, but that He could not concur in some of its language which He thought unjust and reproachful towards the colored people. [Such]as that they were a "degraded caste," etc. etc. Being on the eve of visiting my family the Report was (I believe on my motion) laid on the table, with the expectation on my part (which I avowed) that it would there remain until the H. of R. should act upon the subject, before which I hoped to be returned. At the same time I endeavored to convince the Senator that the offensive expressions were intended only to describe the actual condition of these people and to ascribe their degradation not to themselves but to the laws and the force of public opinion. Confiding that the Report would lie upon the table until my return, I came up to visit my family. On my way up I was myself attacked with the Influenza; but notwithstanding this and that Mrs. Ker was still suffering, I hastened back to N. O. lest my absence might possibly put our cause in jeopardy. What was my astonishment when I found that the day after I left my seat Mr. Burthe called up the report with the view (as He professed) of putting on the journal some kind of a protest against the offensive language, and that it was finally disposed of by a unanimous *rejection* by the members present. As nothing but my anxiety to promote this object could have induced me under the circumstances to leave home, and as I found myself again ill before I had been able to procure lodgings in the city, I returned home in the Trout, sick at heart I confess, but not despairing of ultimate success. The course which the Senate took with the report deterred the friends of the cause from bringing the Bill, etc., up in the H. of R. and it was finally concluded to be wisest to let the subject rest until the next session. In the meantime We determined that We would organize a State Society auxiliary to the A. C. S. This would have been

done before I left the city by calling a meeting of the friends of the cause, but it was thought most politic to proceed in a different manner, viz. to have a form of Constitution prepared, and to procure the signatures of Individuals throughout the State, beginning with those influential persons who are known or believed to be friendly to the proposed object. In this way I think the timid and neutral will be ultimately secured, and opposition overawed, when the Society shall actually go into operation and come before the publick. A few warm friends of the cause in N. O. gave me assurances that they will exert themselves in this plan to establish a Society and I have myself obtained authority from several influential individuals to use their names.

Before closing this letter (already perhaps too long) I feel constrained to resume the subject of the extraordinary rejection by the Senate of our report, inasmuch as (strange as it may appear) you appear to me to be intimately connected with that result. When my health permitted I again returned to N. O. and remained until the close of the session. I had ascertained that after the report was called up by Mr. Burthe, Major Thomas of Rapide (formerly a Rep. in congress from [?]³) in the course of the discussion which arose, declared His conviction that the object of the Society was to promote or achieve *general emancipation*, etc. etc. As this Gentleman had last year concurred in the adoption of my Resolutions, and not more than a few weeks before had promised me to use His influence with a Gentleman who was on our Committee in favor of our contemplated measures, it was matter of utter amazement with me to learn the course He had taken; and indeed I was incredulous of the fact of His having avowed such sentiments. I took an opportunity of conversing with Him finally, by which I was no longer left room for incredulity. In the course of our conversation I think I discovered the Key to this extraordinary change. He stated to me that some years since (perhaps in 1826) He had purchased in Washington city a family of slaves; and that whilst He lay confined by illness they were taken clandestinely out of His possession, that you offered some very inadequate

³See *Congres. Biographical Directory*, p. 839, for a biographical sketch of Philemon Thomas.

price for them; that He rejected your offer; that you concealed and harboured them and thereby deprived Him of His property, which He has never been able to regain. This is the substance of His Statement to me, and I mention it to you frankly because I am convinced that (whatever may have been the truth with regard to it) this affair has been at the bottom of Major Thomas' sudden and extraordinary hostility to the Society. You will naturally ask how an affair which happened years ago, could now produce an effect which it had previously failed to do? I answer, that I think He either did not know, or had forgotten, that you were the Secretary of the A. C. S. until He saw your name on the Reports, etc., which I had put into the hands of Dr. J. A. Smith, the President of the Senate, who occupied the same room with the Major. In this way His recollection of His loss and injury (rec'd as He asserts at your hands) was revived, and the Society became participant in the vindictive feelings which He had entertained against you which evidently were very strong. Whatever may have been the cause however of such feelings and sentiments, it would have been rash in the extreme to attempt under the existing circumstances to urge measures whilst such an allegation was made, as the very discussion of that question would be fatal. Strange things come to pass. Last year my Resolutions passed the Senate *nem. con.* Dr. Smith I was aware was prejudiced against the Society and told me that if He had not * * * * *

TO R. R. GURLEY.

NATCHEZ, July 21 1831.

DEAR SIR—I have been induced to delay answering your favor of the 16th May, until I could obtain an answer to a letter which I tho't proper to write to Major Thomas soon after the rec't of yours. I have at length rec'd the expected communication from Major Thomas, and lose no time in laying before you a part of its purport in His own language. Since the receipt of your letter, I regretted that I had not before obtained Major Thomas' statement in writing and I thought it still most pru-

*Unfortunately the remainder of this letter cannot be found.

dent to do so. I had before intended to write to Him on the subject of the Colonization Society, and I accordingly wrote to Him a long letter upon that subject in the course of which I introduced your name and the charges which He (Thomas) had verbally made to me against you, and requested Him if I had misstated them, that He would correct me. His answer, as you will see, gives me evidence that this course would have been the wisest at first—as the statement made to me by the Major *now*, differs considerably from *my recollection* of the conversation. I must therefore request you to adopt any “reply” which you may think proper to make thro’ me, to the written statement which I shall transcribe from the Major’s letter. I shall immediately inform Him that I felt it my duty to mention His charges to you and that I have now copied them from His letter. My duty to myself as well as to you, will justify me in this course; and I cannot think that it is forbidden by the most scrupulous sense of Delicacy or propriety. A proper consideration for myself requires, I think, that I should now keep a copy of that part of my correspondence which may relate to this subject; and as I made no copy of my former letter to you, I will take it as a favor, if you will furnish me with a copy of it so far as it relates to the charges of Major Thomas.

In his letter now before me of the date “July 12th 1831,” Major Thomas says “The facts in relation to my treatment by Mr. Gurley are these—I purchased near Washington a negro woman and 5 children in 1825, and placed them in Washington with some other negroes I had purchased. Whilst there I was confined with the fever at Gadsby and during my illness, the woman and three of the children were stolen from me. After some days this Mr. Gurley came to my sick room, and made propositions to buy the woman and children, if I would credit for part of the price. I told Him that as the balance of my negroes, would start to the south in a few days, that He should have them at cost and expense by paying me the money. He declined unless I would credit Him for \$100 and lose expenses, and advised me to take His offer as a half-loaf was better than no bread. I thought so, and acceded to His terms, when as soon as the sale was written, He told me that He had the negroes—that I might think He had done wrong to conceal them, but

that He thought He was serving God in enabling them to work out their emancipation, saying that the end justified the means. In my sale to Him, I reserved the oldest son of the woman which was then at G. Town with the next oldest also a boy—the three youngest having been taken off with the mother. I gave Mr. G. an order to my agent Mr. Nally, a very respectable merchant of this place,⁵ then assisting me there to deliver the Boy in His possession—which He did—and whilst taking Him Mr. Gurley or His agent continued to steal the oldest Boy and one of another family which I have never got—altho' they are in the District on Curtis' Plantation at Arlington—where the husband of the mother lived, and who no doubt was G[urley]'s Agent in the whole matter."

You have no doubt been informed particularly, by Mr. Bascom, what has been done in Mississippi in favor of the Colonization Society. In Natchez and its immediate vicinity, the cause has had for some time a few warm friends; and altho' I would not detract a particle of the merit of Mr. B.'s services, I am warranted in saying that some of these friends would have spontaneously evinced at least as much if not more zeal if He had been absent. In other places it is highly probable His efforts and eloquence may have been more influentially exercised. Dr. Duncan, who is the President of the Miss[issippi] State Society recently organized, has informed me, that it has been his intention for some time past, to give to the cause \$300 per Annum for five years. As this intention was communicated to me in a private and confidential intercourse, I do not wish it to be supposed that I am *authorized* to make any pledge for Him. Nor would I like that it should be publicly spoken of, as I know this would not be agreeable to Him. In Him our cause has a zealous and an efficient friend, and I earnestly hope, He may be spared many years to the benefit of humanity, and the solace and happiness of His family and His many true friends.

In Louisiana, nothing has yet been done which will give any promise of what I hope will yet be accomplished. If it were not

⁵This letter contains the following footnote in the handwriting of Dr. Ker; "I presume from Alexandria, La., from whence Major Thomas wrote to J. K."

that printing in this country is so expensive, I would endeavor to compile a selection, or extracts, from the papers, etc., published by the Society suitable for circulation in *our latitude*, and have them printed in french and English. Indeed I think I shall endeavor to do something in this way at whatever expense. Such a selection might be made and printed at the north at comparatively small expense. The regular publications of the society, excellent as they are, contain some things which are calculated to jar upon the Southern prejudices. Something I hope will be accomplished in La. during the next winter, by private association (the formation of a State Society) if not by legislative authority. I have been prevented principally by these hopes, from resigning my seat in the Senate.

With great respect and best wishes for our cause, etc. etc.

JOHN KER.

TO ISAAC THOMAS.⁶

NATCHEZ, July 25th 1831.

DEAR SIR—I shall take your letter of the 12th Inst. as my warrant to pursue somewhat farther the subject of my last. In doing so I am encouraged, not only by your express permission, but by the evidence your letter affords me, that your mind is at least open to conviction, if not actually favorable to the cause I espouse. I am confirmed in my suspicions that its defeat in the Senate last winter, was in part at least attributable to the personal feeling which at the moment operated perhaps unconsciously upon you, to express an opinion, that the real (but concealed) object of the Society was to effect general emancipation. When I first heard of your expressing such a sentiment on the floor of the Senate, I confess I was not less astonished than grieved. The winter preceding you had united in the passage of the house Resolutions which formed the Basis of our Report last winter. And you had but recently more than once promised me your influence with a particular member of the joint committee, in favor of the views I advocated. But when you repeated to me your wrongs at the hands of Mr. Gurley my astonishment vanished, but not my regret and indeed grief,

⁶Copy of original.

that an object I conceived so important should have been defeated by any cause whatever. It was particularly mortifying that its defeat could be traced to the alleged conduct of one of the founders and best friends of the A[merican] C[olonization] Society. This most singular connexion of cause and effect, I mentioned to Mr. Gurley in a letter which I had occasion to write to Him. And I now think it my duty to the cause and to myself to copy to Mr. Gurley the very particular specifications of your charges as contained in your last letter to me. In doing so, I feel quite assured that your approbation would not be withheld if I were to ask it. Nor am I aware of any proper objection to this course. If it be possible I would hope that you may be convinced of some mistake, and at all events it is due to Mr. G[urley] that He should have an opportunity of replying to charges which are so well calculated to injure, not only Him, but the cause of the Society of which he is the Secretary. If the conduct of an individual could produce hostility and prejudice against a Society of which he happened to be a member, in the person of an enlightened and talented Senator, fatal indeed might we well expect it to be upon the minds of the ignorant and illiberal. I rejoice however to perceive, that your candor admits "that the Society should not be judged by the acts of an unworthy agent," and I feel persuaded that your magnanimity will lead you, to do all in your power to repair the wrong done to the Society and its cause. I am encouraged in this hope by the general tenor of your letter, and I feel confident that the more faithfully and thoroughly you may examine into the merits of the questions presented, the more decided will be your judgment in favor of the plan of colonization, and of the proposed means of promoting it.

You avow your willingness "to see every colored person moved from the U. S." and I agree with you in thinking "the first introduction of them the greatest curse that was or perhaps will be inflicted on the country." How to remedy this evil is then the desideratum. You and I, and I think all men of sound judgment and sober reflection, will agree, that as to the *slaves*, neither the Society nor our Government can in the remotest degree meddle with them. But I would premise to the views I propose to offer you as to *what can be done*, by a few

propositions, neither of which I think can be contested. 1. The free colored people are more injurious to society than the same number of slaves, and their removal would therefore confer a greater benefit. 2. The number of free colored people must inevitably increase in a progressive ratio, not only by nature, but by the practice of emancipation by individual masters which nothing will ever be able to stop. 3. We cannot compel them to emigrate; but as you justly remark, we can only "provide the means and use the language of persuasion." 4th. I repeat your proposition "that it is no reason because we cannot do *all* we desire, *that we shall not do what we can.*"

We then proceed to show what can be done if the pecuniary means shall be supplied.

Already an extensive and fertile region in Africa the land of their forefathers but a few generations removed, holds out to the free men of colour in the U. S. the tempting allurements, of *a Home and a country of their own, of freedom, and self government, of a rich reward of industry in plenty and even in wealth.* It certainly would not be contended that there are not inducements which *ought* to decide Him, to abandon the country where He has experienced only *degradation*, and the almost necessary consequences, *poverty, vice and misery.* It is sufficient for my argument, that *there are among us, many who are willing to go,* and that the Society is ready to receive and transport them, if the means of defraying the expenses shall be furnished. All experience I think goes to show at least the great probability, that the spirit of emigration will spread, and that for a long time the *demand* for means will only *increase* with its *supply.* Laws will probably be made in the slave holding states to prevent emancipation, except on condition of immediate emigration to Liberia. Those who have been withheld from emancipation by the conviction that it would be prejudicial to society to do so, will no doubt gratify their wishes, when this objection shall no longer exist. But will this be cause of complaint or regret to others? Will it not on the contrary benefit other slave holders, rather by removing some examples of loose and injuriously indulgent discipline, the effect of mistaken feelings of Humanity? Will it not have the effect also, of enhancing the value of those who may be left? Will not the hands

of slavery be strengthened as to those who shall remain, except from the only ground of hope to the slave, the voluntary act of his master? Will it not have the effect of lessening the evils of slavery, both with regard to the bond and their masters, by creating such a state of things as will enable the latter to relax the former unavoidable rigor of discipline? It is manifest to every slaveholder that many evils arise from the existence of the free colored people amongst the slaves: and it would be unnecessary to expatiate upon this point.

But with you "as a public man, the great difficulty has been the question, whether anything could safely be done by the Government touching the free part of that miserable population, without in some shape weakening the bonds of slavery which I (you) consider no existing power has the right to attack directly."

So far as I perceive, your doubts do not seem to arise from any question of constitutional power in our General Government to act. As this appears to be conceded by you, I shall take it for granted. Indeed I scarcely think that an examination of that question, could leave a doubt upon the mind of any, that they have the power to do all which the friends of colonization either hope or desire from them. The question of their right to interfere with slavery, is, I trust, *unalterably settled by the Constitution*: and none but mad men would desire them to make such an attempt. And I firmly believe that not one well informed citizen in 100 in the now slave holding states, would desire such an interference. But whilst we would be alive to the slightest effort at encroachment upon our rights, and upon the constitution, shall we refuse to benefit by the exercise of their *acknowledged powers* in such way as *We may ourselves point out*? What is it that we propose to ask of Congress? Simply, that they shall provide the means of transporting to Africa such free persons of colour, as shall from time to time be placed at their disposal by the several State Governments; or, if it should be preferred such as shall be offered as voluntary emigrants by a State colonization Society. It is not proposed that they should do anything except with the concurrence of the several State Governments; in other words it is only contemplated to ask them to use the navy and revenue

of the U. S. in execution of the wishes of those Governments. I am at a loss to conceive how the General Government *could*, even if they were disposed, trench upon our state rights in this respect, except by a gross and violent infringement of the constitution, which cannot rationally be feared. It is natural, and perhaps proper, that we should be jealous of interference on this subject; and this jealousy has arisen I know in the minds of many good citizens as a formidable obstacle to the action of congress upon the subject; but I apprehend no one has yet formed a *distinct idea or conception, how such interference would be practicable*, under colour of assisting the states in removing the free Blacks.

Long as my letter has already become, I would venture to trespass upon your patience a little farther: and I shall do so with the more confidence, as the remaining argument which I shall presume to urge, rests upon the solid foundation of arithmetical calculation which cannot deceive. It is asked, what can the General Government accomplish by a reasonable appropriation of their means? Let us see. Actual experience gives us as the average cost for the expense of emigration to Liberia including support for 6 months, \$20 a head. Should the General Government take the work in hand, even this moderate expense would probably be diminished, because the navy might be made auxiliary to this object without incurring any additional expense to the nation. The whole number of free colored population in the U. S. is about 250,000. The annual increase is estimated as 6,000. The cost of emigration for this number would be \$120,000 annually. The *immediate* transportation of the whole free colored population (if this were practicable which of course it is not) would cost (\$5,000,000) five million of Dollars. But suppose from the number already free, and from those who will be emancipated, a number of emigrants should offer, equal to the annual increase of the whole colored population bond and free, (which is estimated at about 50,000). The expense of transporting this number would be (\$1,000,000) one million of Dollars. Would this cost be either burthen-some in itself, or disproportionate to the benefit conferred upon our country? On the contrary. Who shall presume to estimate that benefit if we take into the account the effect it is to have

upon the future condition of our posterity, by the addition or multiplication of Dollars and cents! I forbear the attempt to embrace in the estimate, the destiny of those degraded and unfortunate people themselves. Who that boasts to be influenced by the high behests of Humanity, could indulge in this contemplation unmoved? But without reference to such considerations, Who is there who affects *patriotism*, or even the *more selfish love of his own children*, can find it in his heart to contemplate in these relations only, the solemn obligation, presented by this discussion, without the deepest interest! Are we not awfully responsible for consequences to those who come after us, at least so far as the mitigation of evils which we cannot but foresee, is within the control of our reasonable exertions and sacrifices. Shall we fold our arms in lethargic and selfish and (may I not add) criminal indifference, whilst we see the seeds of incalculable evil to our posterity germinating before our eyes without an effort to prevent their development and multiplication! Shall we be guilty of closing our eyes to the truth, and of being deaf to the voice of duty? God forbid.

Before I conclude this long and I fear tiresome letter, allow me to say that should my zeal in the cause of colonization have betrayed me into acts or language offensive to others, I would sincerely lament it, and gladly make amends. I am not so presumptuous, as to permit the strength of my own opinions, or of my convictions of duty, to stamp as erroneous the opinions of others, or to *set to them* limitations or Rules of conduct.

Yours very Respectfully,

JOHN KER.

TO ISAAC THOMAS.⁷

Oct. 24th 1831.

DEAR SIR—I have been disappointed in my expectation of receiving a reply to my last letter to you. I trust your silence is not attributable to displeasure at anything I have said or done in relation to the principal subject of our correspondence. I am aware that the position I have assumed is a delicate one, but I assure you that my object has been if possible to procure

⁷Indorsed: Copy of letter to Major I. Thomas, Alexandria, La., Oct. 24th, 1831. Not signed.

such an explanation of the unpleasant affair between Mr. Gurley and yourself, as would be agreeable and honorable to both. I have received from Mr. Gurley a long letter in reply to the one which I advised you I had written to Him, and I cannot but hope that you have been misled by circumstances into an unjust belief or conviction relative to His conduct in the transaction. This letter if you desire shall be submitted to your perusal when an opportunity presents. - In the meantime I will state the particulars in which he denies your charges against Him. 1st. He states that when he visited you at Gadsby's He "knew nothing of the woman and children having been stolen from Major Thomas, and (continues Mr. G.) am confident that he told me, that though the husband had endeavored to conceal his wife and children, He, Major Thomas, knew where they were. I had myself no idea that it was otherwise." 2. With regard to the purchase of the family from you, he admits that he made the proposition, and asked credit for \$100. And He adds "I had borrowed \$600 to enable me to pay for the family, and this I was ready to pay at the time. I stated to Major T. that my sole object was to prevent the distress of separation between near relatives, as a reason why He should be moderate in the price. I may err in my recollection on this point, but I feel quite confident that He told me the \$700 the price paid would cover cost and expenses." Mr. G. adds the He and others believed He paid a high price, and was not aware that you thought yourself a loser; and denies that He used the argument that a "half-loaf was better than no bread." 3. Mr. G. denies that after "the sale was written He told (you) that He had the negroes, that I (you) might think He had done wrong to conceal them, but that he thought He was serving God in enabling them to work out their emancipation. He denies the fact of having concealed them, and entirely disavows the sentiment imputed to him saying "the end justified the means." 4th. With regard to the older Boy He says that it is true that He "was not included in the sale, and I (Mr. G.) was informed that He had run away, by Major Thomas." Mr. G. also denies that He had "in this affair any Agent. Everything was done by myself, and done honestly, fairly, and without disguises." Now it appears to me that there is nothing in the statements of Mr. G.

and yourself, that I cannot reconcile without discredit to either, except what you allege Mr. G. to *have said to you*. On this point I have only to hope, that, on reflection, you may be willing to distrust the accuracy of your recollection. May not the general impression you had of the conduct of Mr. G. have taken the place in your memory, of positive and undoubted facts? Knowing how treacherous and uncertain my own memory is, I can readily conceive such a mistake within possibility. Such conduct as you have believed Mr. G. to be guilty of, and such sentiments as your memory ascribes to Him, are equally incompatible with the high estimation in which I believe He is held when He is best known. He indignantly disclaims the one as vile as the other; and He appeals for his defense to his general character and conduct and sentiments when known. He challenges the evidence against Him. This I presume is altogether circumstantial except so far as your recollection goes to adduce His own oral admissions. Or it may perhaps have been partly derived from persons at Washington whom you believed worthy of credence. In any or all of these sources of your opinions, is it not possible that you have been deceived? It will not be offensive to you I trust to repeat the expression of my hope that having, on what you thought grounds, believed Mr. G. guilty; and having this impression fixed upon your mind, your memory has been in error with regard to some of the facts, and especially as to the language of Mr. Gurley.

If I shall be able to overcome the obstacles which seem to interpose to prevent my going to the called meeting of the Legislature, I hope We shall be able to agree on this, and at all events upon some important subjects. The colonization scheme I confess stands high in my estimation of importance, and the recent occurrences in Virginia and N. Carolina, have increased if possible my anxiety upon the subject.

A subject also of great consequence in my opinion, is the choice of a successor in the U. S. Senate, to Mr. Livingston. On this point I earnestly hope the friends of those principles which (I believe) you and I think necessary to the welfare of the country in general and of Louisiana in particular, will be able to ensure success, by harmony. If We *Divide* We shall be *conquered*. Some time ago I saw your name mentioned in the

papers, [?] I hope the importance of the occasion will produce a disposition to yield at least something of personal preferences, to the public good. If I shall be a voter on the occasion, these views shall at least be the rule of my conduct. Indeed so far as I know, I shall have no personal preferences to yield.

I hope you have been less injured in your crops than We have been here. I think the cotton crops hereabouts will fall short about half of last year's product. I suppose you are making a large cane crop? What will become of Louisiana if the protecting duty on sugar is removed? And yet (strange *infatuation* as it seems to me) I know sugar planters who are *Nullifiers!* Shall anything astonish us hereafter? My heart is sick, my soul is grieved, at the folly, and madness and guilt, which threatens to overwhelm our happy country. May God, in His unerring wisdom and mercy, avert, what human efforts seem striving to produce, our degradation and ruin. But I must close.

TO ISAAC R. WADE.⁸

NATCHEZ May 14th, 1847.

Isaac R. Wade Esq.,⁹

DEAR SIR—I rec'd by Tom this evening your note addressed to Mr. McMurran or myself, and enclosing Mr. Ellett's letter to you. I immediately saw Mr. McMurran and I believe He will address to Mr. Ellett an open letter thro' you and intended for your inspection, in reference to the several points involved in his comments upon the agreement. It was late this evening when I saw Mr. McM[urran] and He was too much exhausted to write tonight, but He will do so in the morning if possible altho the business of the Court still occupies his attention. As to the first point made by Mr. E[lllett] that the clause alluded to is "not sufficiently definite," He will attempt to make it *definite* according to the intentions we entertained, and which we supposed to be understood and assented to by you. We merely wished to disclaim any intention by our agreement to interfere

⁸Copy of original.

⁹Isaac R. Wade was a descendant of Capt. Isaac Ross. This letter and several others which follow relate to the settlement of the Ross estate. See in this connection the last heading, "Legal Interpretations," in this contribution.

with or to compromise any rights they might have under the will. Mr. McM[urran] concurred with me in opinion that if those negroes have any such rights, the A. C. S. could not, if they would, compromise them. But we do not see how we could, if we would, after this agreement, hold you accountable for anything in relation to them. This was not our intention. With regard to the question raised by Mr. Ellett "By whom is the instrument to be executed" etc. I believe the Power of Attorney to me is ample (so believed by Messrs. Quitman & McMurran) and any act of mine done in their name would bind them. But as Mr. McM[urran] thinks that Document is among his papers in Jackson and could not be submitted to Mr. E[llett] at present I am willing to add the clause suggested by Mr. E[llett.]

The only remaining point in Mr. E[llett's] letter for *our* consideration is, that "it is altogether desirable that the decree that is to be entered in the Chancery suit, should be drawn up and agreed to now before the compromise is concluded." We should greatly prefer that this and everything else in relation to the compromise should be definitely settled *now*. But this is a matter for the Professional gentlemen alone to decide, and Mr. McMurran thought it impracticable to do it. He will write however to Mr. E. and I hope they will agree upon some course which will prove safe and satisfactory to all.

If the compromise is to be consummated at all, I presume it is obvious to you, that it should be done without farther delay. For months past I have been compelled to arrange all my own private business in reference to this proposed compromise and have made the claims of my own affairs yield to this affair. But I trust it is now to be satisfactorily closed. I shall await your reply till Wednesday in the hope that you will name a day next week to meet and conclude the business. I will hold myself in readiness to go up at that warning.

Respectfully your obedient servant,

JOHN KER.

May 15.

P. S.—I enclose Mr. McMurran's letter and a copy of a clause proposed to be substituted for the one in the agreement to which objection has been made. This clause you can submit to

Mr. Ellett when you send the enclosed letter to Him, and your reply as early as convenient will oblige us.

TO ISAAC R. WADE.¹⁰

NATCHEZ July 26th, 1847.

Isaac R. Wade, Esq.:

DEAR SIR—After consultation with Mr. McMurran, and due reflection, I have to announce to you our determination, to decline the consummation of the compromise which had been conditionally arranged. I allude to the oral condition that the state of the crop etc., should be found such as we had reason to expect. We regret very sincerely that the prospect in this respect is so far less promising than when the terms of the agreement were arranged, as to compel us to this decision, inasmuch as there could now be no hope of realizing the necessary means to carry into effect the principal object of the compromise, so far as we are concerned,—I mean the removal, during the coming winter, of the people to Liberia. Our regret is increased by the consideration that the cause of the diminished promise of the crop is not to be ascribed to you, but to a Providential dispensation.

Mr. McMurran participates with me in the regret at the failure (so far) of our efforts to bring this unfortunate business to a close, and if you should shortly be in the neighborhood, it might be well for you to call and see Him. A conference with Him might lead to some mutually satisfactory result.

Respectfully your obt. servant,

JOHN KER.

TO WM. M'LAIN.¹¹

GOOD HOPE NEAR NATCHEZ.

Rev. Wm. McLain:

DEAR SIR—Not long since I rec'd a letter from "T. M. Whiteside" who said He was referred by you to me in relation to an Agency He wishes to obtain for the Colonization Society for

¹⁰Copy of original.

¹¹Indorsed: Dr. John Ker. No date. "Good Hope," about last of '49 or first of 1850.

the States of Louisiana & Mississippi. Having been very much engaged in my annual settlement of pecuniary affairs, & in removing from my former residence near Natchez to my plantation on Lake Concordia, I was unable to devote the necessary time to enable me to reply to Mr. Whiteside. I handed the letter to Mr. Henderson, & retained a memorandum of Mr. Whiteside's name. But now when I intended to write to Mr. W. I do not find His address or His place of Residence. He wrote to me from Washington City. You will oblige me by making this apology to Mr. W., as He has a right to expect the common courtesy of an answer to his letter. But all the answer I could make to Him, is that I had no knowledge of Him whatever & that I am somewhat surprised at *such* a reference to me and from *yourself*. In the first place I am only a single individual without any authority from any society except a special agency for the A. C. S. in the Ross case, which I would most gladly surrender. Our society has been essentially defunct for some years. It has for many years existed only in an Ex. Committee of which I was a member. From time to time we have endeavored to act in cases of necessity, even where we considered our authority as lapsed by time, & the *decease* of the society from which we derived any authority. Even the individual zeal of the members of the Ex. Com. has been nearly extinguished I believe, by various causes, one of which has been the apparent disregard on the part of the Ex. Com. of the A. C. Society (or of its secretary) of the rights & claims of our society. It is not agreeable to me to say this—far from it—But candor requires it at my hand & I shall not shrink from the consequences.

I have personal ground of complaint, which as the occasion seems to demand, I shall briefly mention. For several years I had labored to keep alive the interest of *one* of the chief benefactors of the A. C. Society (if He was not even *the Chief* here) whose zeal I perceived to be greatly diminished. I mean Dr. L. Duncan the President of our quondam "Miss. Col. Society," and the Chairman of the Ex. Committee. About this time last year I perceived his feelings to have become almost *hostile* to the cause, & I was enabled to trace this change to a Paragraph in the "Repository," of which you were the Editor. I had seen & regretted the Paragraph I alluded to, but was not

aware, at the time, how deeply it had wounded Dr. D.'s feelings, altho it was the subject *then* of some remarks between Him & myself. It was only about the 1st of Jany., last year, that I was fully aware of the state of His feelings. I had intended to call your attention to the Paragraph at the time alluded to, but I am now uncertain whether I did or not. If I did, I was equally unsuccessful in *gaining* your attention, as I have since been, in an attempt made I think about a year ago. My opinion was that the Paragraph was not *intended* to be offensive to Dr. D. & I desired not only as one of His friends, but as the friend of the cause of Colonization, to remove, if possible, feelings which I believed to have been unduly exasperated & to the prejudice of the cause, of which we had all been friends. I wrote to you on the subject. I had made some search for the obnoxious Paragraph, & could not find it. I think it must have been about the time of the last shipment of the "Reed emigrants," as I believe that was the subject. But I mentioned all this to you & asked you to look for it, as I thought you could make such an explanation as would at least partially remove the offense it had given to Dr. D. But I have never rec'd even an acknowledgment of the rec't of such a letter. My memory is not very clear about some things, but I incline to think that you were absent about the time I wrote, but I had supposed even if that had been the case, that you w'd have had your attention called to this subject by your temporary substitute. I have since learned from Dr. D. that the day He read that Paragraph in the Repository, He struck from His will a provision He had made in behalf of the society, & I have been forced by the state of His feelings to avoid any attempt to counsel with Him upon the Interests of the society.

Another point in which I think I have been personally ill-treated, was your having left N. Orleans last year at the moment you had reason to expect the Ross Emigrants in that city, and left upon me the impossibility of meeting all the difficulties and responsibilities arising from an abandonment of the shipment at the moment that they were on board of the steam boat on their passage to N. Orleans. I did not think it would have been *necessary* & if not so, not proper, that you sh'd have exposed yourself to danger, but I felt and still feel, that I was badly

treated, that you did not *remain* long enough in the *neighborhood* to hear from me, or that you did not come up to Natchez for the purpose of consulting with some of us here, before you sh'd abandon *these people*, or *throw them upon others*. I felt this seriously because Messrs. Campbell & Rich only wrote to me after the people reached New Orleans, that they contemplated *shipping them back to me*. If a ship had been ready and kept ready out of the infected atmosphere I think there could not have been as much danger from sending those unfortunate people off as from retaining them anywhere in Miss. or Louisiana. I think it likely they consider their detention & exposure to the cholera as all to be ascribed to me. But greatly as I regret the sufferings & death to which they were exposed, I do not see how I could have done better for them. I feel conscious that I did the best I could for them & my arrangements unfortunately failed for it was not my arrangement that they sh'd go into the city at all. I mean not to throw blame on any one that my arrangements failed to keep them out of danger.

Respectfully your obt. Servt.

JOHN KER.

III. LETTERS TO DR. JOHN KER.

FROM R. R. GURLEY.

OFFICE OF THE COL. SOCIETY

WASHINGTON Aug 30th 1831.

DEAR SIR—Your favour of the 21st of July is thankfully acknowledged, and I now hasten, in the first place, to reply to the charges made against me by Major Thomas. It occurs to me, as on the whole, best to copy the statement of Major Thomas, from your letter, numbering the parts of it and remarking upon them in their order.

1st. "The facts in relation to my treatment by Mr. Gurley "are these. I purchased near Washington a negro woman and "five children in 1825, and placed them in Washington with "some other negroes that I had purchased.

"2nd. Whilst there I was confined with the fever at Gadsby's,
"and during my illness the woman and three of the children
"were stolen from me.

"3rd. After some days this Mr. Gurley came to my sick room
"and made propositions to buy the woman and children, if I
"would credit him for part of the price. I told him that as the
"balance of my negroes would start to the south in a few days
"he should have them at cost and expenses by paying me the
money.

"4th. He declined unless I would credit him for \$100 and lose
"expenses, and advised me to take his offer as a half loaf was
"better than no bread. I thought so and acceded to his terms.

"5th. When as soon as the sale was written, he told me that
"he had the negroes, that I might think he had done wrong to
"conceal them, but that he thought he was serving God in en-
"abling them to work out their emancipation, saying that the
"end justified the means.

"6th. In my sale to him, I reserved the oldest son of the
"woman which was then in Georgetown with the next oldest
"also a boy, the three youngest having been taken off with the
"mother."

"7th. I gave Mr. Gurley an order to my Agent Mr. Nally,
"a very respectable merchant of this place" (suppose to be
Alexandria, La.) "there assisting me then to deliver the boy
"in his possession which he did and whilst taking Mr. Gurley
"or his Agent continued to steal the oldest boy and one of
"another family which I have never got, altho they are in the
"District on Curtis' plantation at Arlington where the husband
"of the mother lived, and who no doubt was Gurley's Agent in
"the whole matter."

To the statement No. (1) I make no objection. No. (2) is correct as regards the indisposition (not *illness* when I visited him) of Major Thomas at Gadsby's. Of the woman and children having been stolen from Major Thomas I knew nothing, and am confident that he told me that though *the husband* had endeavored to conceal his wife and children he, Major Thomas, knew where they were. *I had myself no idea that it was otherwise.* No. (3) is correct so far as relates to my proposition to make the purchase and my request that he should give me credit for

\$100. I had borrowed \$600 to enable me to pay for the family and this I was ready to pay at the time. I stated to Major Thomas that my sole object was to prevent the *distress of separation* between near relatives, as a reason, why he should be moderate in the price. I may err in my recollection on this point, but *I feel quite confident*, that he told me that \$700, *the price paid*, would cover *cost and expenses*.

No. (4) What he says of my advising him to take my offer as a "half loaf was better than no bread" is *untrue*. I thought, and others thought, that I paid a high price, and I was not aware that Major Thomas considered himself a loser. *I believe but dare not affirm* that the family cost Major Thomas but *six hundred dollars exclusive of expenses*, I mean *those* of them purchased by me.

No. (5) has no foundation in truth.

No. (6) It is true the oldest boy was not included in the sale and *I was informed that he had been run away, by Major Thomas.*

No. (7) *Has no foundation in truth.* The only Agent whom I saw of Major Thomas was a miserable *slave dealer*, (this was what I was told of him, and there was nothing in his aspect or manners to make it questionable) that I was informed, *lived in Washington, and at whose house on the commons I called when I received the family.* I gave my note for \$100, and it was left with this man, to whom I paid the money some sixty or ninety days after. In this affair I had no *Agent*, everything was done by myself, and done honestly, fairly, and without disguise. And it is due to Mr. Curtis, for me to say, that the boys alluded to, by Major Thomas, have never been harboured on his plantation. In support of several particulars of *my statement* I can bring the most indisputable evidence. That I borrowed the money to purchase this family, that *no one here* has heard or believed that there was anything unfair or wrong on my part in the transaction, that the boys were never concealed on Mr. Curtis' plantation, and that I am not in the habit of saying that "the end justifies the means," I think can be proved by many hundreds of our citizens. That I did *not* conceal the family, that I did *not* employ an agent, that I did *not* steal the boy, that I did *not* advise Major Thomas to take my offer because "half a loaf was better than no bread" that in fine *I did nothing* which it was not *right and proper* that I should do in this transaction,

I solemnly aver and must rely upon public opinion of my character for veracity, for my vindication. If Major Thomas can prove his charges let him do it. If not, he has forfeited his claims to the character of an honourable man.

I thank you, very truly, for the kind and generous interest you have been pleased to take in this matter not only because of its influence on my own reputation, but because, I trust something may be done effectually, to prevent the injury which seems to have been designed to our humane and Christian cause.

I am happy to know that several of the most respectable citizens in Mississippi, and your own state, approve of our object and are disposed to assist it. A publication such as you suggest, would doubtless prove highly useful. I am aware that some things are published by us, which may not entirely accord with the views of our most remote Southern Friends. You will see at once, the great difficulty of pursuing a course in which the great body of the wise and benevolent can unite, without occasionally giving offence to individuals who would aid our plan did it accord altogether with their local feelings. My own views of the principles and policy of our Institution are most fully stated in the Repository for September 1830, and in an article now in the press for the same journal of September 1831. We wish, if practicable, to bring all the wise and virtuous in our county to unite on *some common and unexceptionable ground*, to soften down all prejudices between the south and the north, and to obey at all times the dictates of *prudence*, as well as of humanity and Religion. Our enemies (and I believe we have few) are confined *almost exclusively* to Boston and to Charleston or rather to South Carolina. Some, doubtless, there are in other Southern States. But I hope, at no distant time, it will be seen and felt, that to our plan and proceedings no reflecting and righteous man can reasonably object. The great question in regard to the perpetuity or gradual abolition of slavery, we believe, must be decided by the *Southern States themselves*, yet we do hope that our plan will exert a *moral influence* favourable to *voluntary emancipation*.

with the highest respect

Dr Sir

Your obb friend & svt

Dr. John Ker

R. R. GURLEY.

FROM R. R. GURLEY.¹²

OFFICE OF THE COLONIZATION SOCIETY

WASHINGTON January 1st 1836.

DEAR SIR—Your favor of the 10th ult. was received yesterday and read to our Board last evening. Long absence from my office must be my apology for having neglected, duly to reply to your former obliging communications. Our managers feel not less than myself, the most painful regret that the course pursued in relation to Mr. Randolph's slaves, should be liable to a construction calculated to injure the cause, (which it is their sole object to promote), in the judgment of some of its warmest, most liberal, and most distinguished Friends. In truth, such have been, for two years past, the pecuniary wants of the Society, as to render it impossible to do many things, which with more ample resources it would gladly have accomplished. Many of the members of our present Board were not members at the time, when the Mississippi Society so generously advanced a large sum of money, on the conditions, you specify, to the present Institution, and hence the fact was overlooked or forgotten. But you may rest assured that every member of our Board is desirous of meeting, promptly, the benevolent intentions expressed in your letter, and that all are sensible of the obligations imposed upon us by the efforts and liberality of our Friends in Mississippi. I am requested to transmit to you, Sir, the following Resolution, adopted, last evening, unanimously, by our Board.

"Resolved, That Dr. Ker be informed that this Board are impressed with the importance of meeting promptly the liberal intentions of Mr. Randolph and the benevolent wishes of Dr. Ker and the officers of the Mississippi Colonization Society in regard to the slaves about to be liberated by Mr. Randolph and other slaves destined, with them, to become free citizens of Liberia—that they have already requested the late agent R. S. Finley, Esq., to make arrangements for the early departure of such expedition, relying upon the already tried and distinguished

¹²Indorsed: Revd. R. R. Gurley, Secy. of the A. C. Society, Jany. 1st, 1836. A. L. S.

liberality of the Friends of African Colonization in Mississippi and the other Southwestern States."

I shall communicate this Resolution to Mr. Finley and trust he will undertake to fit out the expedition. We suppose he is at Natchez. Should he decline the agency, our managers, would be under special obligations, if you would appoint and employ a suitable person to collect the emigrants, go with them to New Orleans, and attend to their embarkation. Alexander Mayben Esq., and Wm. W. Caldwell, Esq., of New Orleans are warm friends of the Society and would cheerfully afford their good counsel, and render any kind offices in the case. Mr. Finley will I trust undertake the business. He is familiar with all the necessary details. Should he be unable to act, he can give important advice, to any individual you may be pleased to select for the Agency. We shall write to the Kentucky and Tennessee Colonization Societies and urge them to co-operate with our Friends in Mississippi in supplying means and equipments for this expedition. Sensible as we are of our obligation to your Society, and our engagements, we would find it impossible at this moment to return the entire loan made to us some years ago. We suggest that the number to be sent in this expedition shall not exceed one hundred. We shall supply whatever may be the deficiency in your funds; but hope it will not be great. Hoping soon to hear of your success, I pray you, Sir, to accept of every assurance of respect and regards,

R. R. GURLEY.

Dr. Ker.

FROM R. R. GURLEY.

OFFICE OF THE COLN. SOCIETY.

Feby. 13th, 1837.

MY DEAR SIR—Your esteemed favours of the 12th of Jany, and of the 23rd of the same month are before me, the first two having arrived, during my absence, for a month, in Virginia, and the last, this morning. It is but two days since my return to my office. Until I read your letter, I was ignorant of the extent of your bereavement. And is your lovely daughter too, gone to the invisible world! She was a sweet & beautiful

girl with everything to bind to her a Parent's heart. I recollect her, as though it was but yesterday, since her quiet grace and charming modesty awoke my admiration. I sympathize deeply with yourself and Mrs. Ker in this severe affliction. My Dear wife and myself have suffered repeatedly by the loss of Precious children. *One out of five* alone survives, a dear boy of the age of six years. My daughter Julia, a year old, died suddenly of croup a month ago, and while I was absent. This is the third child that has died and been interred during my absence from my family. All these sweet, departed ones have been taken from us before they were two years old. My Dear wife and myself, desire to feel in these trying bereavements that God is (as you well express it) "merciful and only good," and to submit to His Providence with the spirit that neither despises the chastening nor faints under the rebuke.

I have received the paper kindly transmitted by yourself, also a copy from Mr. Henderson, containing your proceedings in regard to African Colonization.

The whole subject of the Relations between the Parent and Auxiliary Societies was considered at our late annual meeting and a Report presented by a Committee comprising several members of congress, was finally adopted and directed (after revision by the Committee) to be published. We have long waited for a copy that we might publish it in connection with the Annual Report of the Society. I hope soon to be able to send you a copy. It proposes that the colonies, planted by Different State Societies should be united under a Federal Gov. and deriving its authority from the Parent Society and sanctioned by the People in the Colonies, that officers and superintendents of colonies planted by particular State Societies, shall be appointed by said Societies and that such societies shall regulate the affairs of their particular settlements in accordance with the general Laws of Liberia.

This Report proposes that the Parent Society may send agents and seek funds in any part of the United States, and that such State Societies as shall establish colonies on the coast of Africa shall pay over to the parent Society ten per cent on the amount of their collections. These are some of the main features. The Report is long and contains many details. I respect-

fully suggest whether it may not be best to postpone any action in regard to relations between the societies, until you receive it.

The unsettled relations between the Parent Society and the auxiliary Societies of N. York and Pennsylvania has occasioned much difficulty and to this perhaps may be traced the peculiar character of the Report of the Committee. Although I could not altogether approve it, it was clear that something must be done. The societies of N. York and Pennsylvania proposed at first, to assume each \$4,000 of the Society's debt provided *nothing* in future should be paid by them to this Institution. It was judged best however to continue the obligation of a payment of ten per cent on their collections to the Parent Society in lieu of the assumption of a portion of the debt.

I am gratified to know that our esteemed friend Mr. Finley is engaged by your Society to urge forward the claims of the cause. I hope you will find efficient co-operation in the Louisiana Society. It would be a great point to secure aid from the Legislatures of Mississippi and Louisiana. There is a fair prospect of appropriations from Virginia and Pennsylvania.

I am happy to hear of the marriage of my niece to Mr. Pearce. He is a gentleman of worth and piety. Please remember me to our Friends with whom I had the pleasure of an acquaintance and especially to Mrs. Ker and your venerated mother, with all respect and esteem.

Very faithfully and truly your friend etc.

R. R. GURLEY.

P. S.—Our Treasurer informs me that at the commencement of 1836 the debt of the Society was \$40,000 including \$25,000 in stock paying 6 per cent interest and to be redeemed in the course of 12 years.

FROM R. R. GURLEY.¹³

OFFICE OF THE COLONIZATION SOCIETY,

WASHINGTON February 2d 1842.

MY DEAR SIR—We are anxious in regard to the interests of colonization in your region, and shall rejoice to know, that the

¹³ Indorsed: Revd. R. R. Gurley, Sec. A. C. S., Feb. 2, 1842. A. L. S.

difficulties apprehended in regard to the slaves of Capt. Ross and Mrs. Reed are vanishing away.

As I am engaging anew, in the affairs of the Society, I can hardly speak of its condition, except as presented in the Annual Report of our Committee, but I see that we are urged to make strenuous exertions to sustain the cause, in a time of great financial distress to the country.

It will be, of great importance, that the Friends of the cause in Mississippi and Louisiana should continue their most generous efforts in our behalf, and we venture to solicit your good counsels, and those of your board, in reference to the employment of a suitable Agent for your section of the Country. It would seem desirable that such an agent, should share in the confidence, and act in co-operation both with the Louisiana and Mississippi Societies. Who shall be selected and who can be secured for this agency? Mr. Finley has recently been here, and mentions Mr. Chase as a gentleman well qualified to advance the cause. The Rev. Mr. Winans would doubtless exert a great and efficient influence if he could be obtained. You know our Friend Mr. Finley, and I should be happy to learn, whether his efforts in the cause would probably be desirable and efficient in the Southwest.

May I suggest, that Mr. J. A. Maybin is one of the truest Friends of Colonization in New Orleans, and perhaps you may judge it expedient to correspond with him in regard to a permanent agent for Mississippi and Louisiana.

If the present depressed state of the finances of the country continues, we must apply ourselves with great earnestness to sustain the cause, and never have we found the societies of Mississippi and Louisiana fail us in an exigency. Can we expect much from these resources this year?

Pray let me be affectionately remembered to your good Society, and believe me, faithfully, Yours

Dr. John Ker.

R. R. GURLEY.

P. S.—If you can conveniently send me a copy of the proceedings of your Committee in relation to the charges brought by Mr. Cregson against Mr. Finley who died in Africa, I shall be obliged to you. Mr. Robt. Finley has mentioned them to our Committee and some of the members wish to see them.

FROM J. P. PARKER.¹⁴

PORT GIBSON July 21st, 1842.

Dr. John Ker:

DEAR SIR—I received your favour of the 11th instant some days ago. I declined answering, till I could see and converse with John B. Coleman Esq. on the subject and have thought it best he should write to you, his views of the present relation of a majority of the Executors of the Estate of Isaac Ross, dec[ease]d. His communication is forwarded by the same mail as this.

I have no doubt of the correctness of his legal statement and that all the Executors except Mr. Wade are debarred from any participation in the management and controll of the Personal Estate. That under the decision of the Supreme Court, that the Title and controll of that portion of the Estate is vested in the Colonization Society and the only difficulty is the want of possession.

As regards the Real Estate, it is under the joint controll of all the Executors, and my present views are to procure a concurrence of a majority of them, to offer the Estate, under the direction of the will, for sale about the 1st of January next.

The Executors have incurred some small liabilities which with the commissions allowed by the Probate Court to the Executors Mr. Wade refuses to pay. The Balance, for which the Estate may sell, I wish to place under the controll of the Col[onizatio]n Society, to do with as they may think best, always however with the will before me determinmed if possible to execute its spirit.

I can only pledge myself to perform my duties as Executor, and cannot promise to obey the instructions of any counsel, where in my estimation, such counsel or instructions, conflict with my convictions of duty as Executor. Nor can I consent under any circumstances, to accept in any capacity, (personal or Fiduciary) any form of obligation for the payment of the balance of those fees.

If the attorney, that may be selected by the colonization society, will notify me of his inst[ructions] for me to execute any duty, I am authorized to do by the will, he may command me.

¹⁴Indorsed: Dr. J. P. Parker, July 26 [sic.], 1842.

And in the event of the failure of the society engaging the services of their former counsel, I would think *very* favorably of the employment of Quitman & McMurran.

Very Respectfully

Your Friend and obedient servant

J. P. PARKER.

FROM MONTGOMERY AND BOYD.

NATCHEZ, Aug. 1st 1842.

DEAR SIR—We have a letter from Mr. Prentiss expressing a concurrence of opinion with us on the subject of the power of Ross' Ex[ecutors] to act and a willingness to accept their obligation as executors, to pay our demand against the Colonization Society out of the funds of the Estate.

He also says he will join us in undertaking to procure the necessary decree of the proper court to compel the action of all the executors in executing the commands of the will and names \$10,000 as a conditional fee to be paid us when the decree is made.

Respectfully yours

MONTGOMERY & BOYD.

FROM J. P. PARKER.

PORT GIBSON August 13th, 1842

Dr. John Ker:

DEAR SIR—Your favour of the 10th inst has just come to hand. I am somewhat surprised that letters written by J. B. Coleman & myself of date July 25 in reply to your former communication have not come to hand.

In Mr. Coleman's letter of that date he says to you "when Mr. McLean, the agent of the Colonization Society was here Dr. Parker and myself had an interview with him, at which I gave it as my opinion and that opinion remains unchanged, that Dr. Ogden, Dr. Parker and myself are divested of all controll over the Personal Estate of Capt Ross. Art 65 chapter 31, page 403, of Howard and Hutchinsons' statue of Miss. provides in effect, that where there are several Executors any one or more

of them, in the neglect of the rest, may return an inventory, and that those neglecting shall have no further power over the personal Estate, unless within two months after the return, they, assign [sic] a sufficient and satisfactory excuse to the Court. And that the Executor making the return, shall thereafter have the whole administration of the Personal Estate.

The Inventory of Captain Ross' Estate was signed [sic] and returned only by Mr. Wade. This I apprehend constitutes Mr. Wade alone, in effect Executor, so far as the property embraced in the Inventory are [sic] concerned, and precludes any interference on the part of the other Executors. He says further, "I could not consent to join in any proceedings intended to operate upon the personal Estate," unless satisfied that the views and interpretations of the law above cited are incorrect and further, "that the contest for possession and disposition of the Personal Estate must be between Mr. Wade and the Colonization Society."

The above are extracts of Mr. Coleman's views, and if he is not in error as to our position, as regards the Personal Estate of Captain Ross, I cannot see any use that can be made of those of those Executors who failed to sign [sic] and qualify to the Inventory in any subsequent proceedings, where the personal Estate *only* is concerned.

I am authorized by Mr. Coleman to say he will join with the Executors in performing any duty which he is satisfied devolves upon him as executor. He and myself are equally unwilling to come under any form of obligation to pay the obligations of the Col[onization] Society, and will not under any circumstances accept the Bill or order of the Colonization Society or its agent to pay *any* sum of money.

Mr. [Coleman] and myself have no *great* objections to the employment of Messrs. Prentiss and Montgomery and Boyd and would be willing to act under their counsel so far as we are of opinion we should do so, and on your failure to engage their services would be fully as well pleased with the employment of Messrs. Quitman and McMurran with the distinct understanding that as Executors we entertain no obligation on our part to pay the contracts of the Agent of the Colonization Society. But will when the Estate comes into our possession pay over

the proceeds when the will requires us to do and the Society when having the controll of the *money* can meet its *own* obligations.

The whole difficulty as regards the payment of *Fees* depending on the contingency of the Estate passing into the possession of the Col[onization] Society, I think should be satisfactory to the counsel that may be employed.

As regards the Real Estate, I am willing at any time to concur with the other Executors in making sale of it when any reasonable prospect, of the Execution of the will as regards the Slaves is presented.

I concur with you in the importance, of carrying out the great and material object of the will, (the colonization of the Slaves) and to effect that object would be willing to sacrifice the residue of the Estate, receiving [?] the necessary outfit and support for a year, implements, etc., but cannot conceive such a sacrifice to be necessary and would particularly object to be sacrificed at the altar of Montgomery and Boyd. I cannot but think that Messrs. Quitman and McMurran will attend to the case for a smaller contingent Fee than that proposed by Judge Montgomery, and am of opinion that they would perform the duties as well or better.

As regards the assets and liabilities of the Estate I cannot speak positively. The settlement made by Mr. Wade in 1840 left a balance of about \$12,000 in his hands. The crop of 1841 was about 700 Bales out of which the current expenses and the judgment of \$9,500 to Montgomery and Boyd was to be paid, leaving I would suppose a residue of \$7 or \$8,000 more in the hands of Mr. Wade. The Estate owes nothing except part commissions to Dr. Ogden and whole commissions to myself amounting to about \$3,000 as far as I know or believe. My impressions are that there is about 5,000 acres of land in a body around Prospect Hill and a small tract in this county of little value, constituting the Real Estate. The Personal Estate, excepting the negroes is of little value. There were 5 or 6 negroes directed by the will to be sold. I am told 2 of the number have died.

In conclusion I can assure you of the full and cordial co-operation of Mr. Coleman and myself in executing the objects of the

will so far as we are justified in doing by our connections of Law and duty.

With great Respect

Yr. Friend & ob. Servt.,

J. P. PARKER.

FROM C. WHILLASAY.

COLONIZATION ROOMS

WASHINGTON 29th Sept 1842.

DEAR SIR—Permit me in the absence of the Corresponding Secretary Mr. Umley to acknowledge the receipt of Your letters dated the 14th and 16th inst. in relation to the proposed agreement made with Messrs Boyd and Prentiss Att. in relation to the Estate left to the American Colonization Society by the Will of the late Capt. Ross

A meeting of the Executive Committee will be immediately called, and the letters submitted for their Consideration

The decision together with the Copy of the Charter of the Society with other information desired will be immediately forwarded to you.

Mr. Gurley is now in Boston but is expected in a few weeks.

Respectfully

Yours

O. WHILLASAY,
In behalf of the A. C. S.

To John Ker Esq Natchez.

FROM W. M'LAIN.¹⁵

COLONIZATION ROOMS

WASHINGTON CITY 11th Oct., '42.

DEAR SIR—I have just returned from New York. I found your two letters to Mrs. Gurley, which last evening I laid before the Ex[ecutive] Committee. They are glad to learn that You have been able to secure council to manage the case of Capt. Ross' will and they will afford you all the aid in their power.

¹⁵Indorsed: Revd. W. McLain (Col. Society) Oct. 11th 1842.

I herewith inclose you a copy of the Act of incorporation, duly certified, etc. And I also inclose a copy of a resolution passed by the Com[mittee] on the 23 of July, which you may have received before, and which was passed by the Com[mittee] to meet the very case which you present in regard to the necessity of the Com[mittee] formally accepting the trust of the will. The Committee took the advice of Mr. Key and General Jones, two of the best lawyers here in regard to at this late period formally adopting a resolution accepting the trust, and their opinion was that the fact that the Society] has been prosecuting the suit and showing itself anxious to carry out the provisions of the will, was to be regarded as their acceptance of the trust and that a bill might be filed, alledging these facts; while they feared that a formal resolution now accepting the trust might be prejudicial to their past transaction in the case, if not to their present prosperity.

A part of the Committee are out of town at present, and the others were unwilling to pass the resolution accepting the trust, without a full meeting. They therefore directed me to lay these facts before you, and after you have consulted thereon with your lawyers, should they and yourself think the formal resolution necessary, you will be good enough to let the Com[mittee] know and it can be passed in time to reach you before the suit comes before the court, and all your previous proceedings can be gone on with as if you had the resolution.

The Committee feel under great obligations to you for your attention to this difficult case, and trust you will reap an abundant reward in the satisfaction of seeing the will executed according to the intentions of him who made it.

I have the honor to be

Yours truly,

W. McLAIN.

John Ker, M. D.

FROM W. M'LAIN.¹⁶

COLONIZATION ROOMS,

WASHINGTON CITY, 2 Nov. 1842.

DEAR SIR—Yours of the 17 inst. is rec'd and the agreement between yourself and Messrs. Quitman & McMurran has been

¹⁶Indorsed: Secy of the A. C. S., Novr 2d 1842.

submitted to the Ex[ecutive] Committee, and they have adopted the following resolutions.

"Resolved, That we approve of the agreement made and entered into between John Ker M. D. agent and attorney in fact of the A. C. S. and Messrs. Quitman & McMurran in relation to the will of the late Capt. Rooss [sic] of Mis[sissippi,] but that in making this approval we do not admit one declaration in said agreement and contained in these words in, 'the sum of \$10,000 which the Society have *agreed* to pay Messrs. Montgomery & Boyd, and S. S. Prentiss, Esq.' but on the contrary we affirm that we have never *absolutely* agreed to pay them that sum, but have consented and do hereby consent that when the said will shall be fully and legally carried into effect, according to the above named agreement, they shall be entitled to receive the said sum of \$10,000 out of the proceeds of the estate of the said Capt. Ross: and we still hold that the A. C. S. is not otherwise held or bound to pay them said sum of money or any part thereof."

You my dear sir will see the necessity for the last part of the above resolution. For as the assertion in the agreement now stands Messrs. M. & B. might plead that the Soc[ociety] had acknowldged their claims and agreed to pay it absolutely.

We shall be glad to hear from you the earliest information in regard to the prospect of Mrs. Read's negroes being ready to go out this winter. Mr. Gurley is yet in N[new] England.

Yours very truly,

John Ker M. D.

W. McLAIN.

FROM R. R. GURLEY.¹⁷

Nov 29th 1842.

MY DEAR SIR—I thank you for your favor of the 10th inst to which our committee have given their most earnest attention & the following Resolution, expressive of their views, I am requested to transmit:

"Resolved, That this committee greatly desire to meet the views of Dr. Duncan in regard to the people of the late Mrs. Read, & also to fulfill our obligations to the Mississippi Society, & although much depressed for want of adequate means to

¹⁷A. L. S. Indorsed: Rev. R. R. Gurley, Sec. A. C. S. Novr. 29th, 1842.

prosecute their enterprise, yet relying upon their friends, & a good Providence, they will charter a vessel at an expense equal to the amount of \$2,500, provided Dr. Duncan furnish the supplies for these people & that the committee will assume any further necessary expense to secure a vessel capable of conveying all the people of Mrs. Read should Dr. Duncan desire it, in anticipation of a reimbursement for any additional expense out of the lands of Mrs. Read's estate."

We think it will not be convenient for us to have a vessel at N Orleans before the 1st of January. We rely upon yourself & Dr. Duncan to do what you can, to aid our endeavors in this case, as it is extremely difficult to raise funds in the miserable pecuniary condition of the county. If it is possible to raise funds without too great a sacrifice by the sale of a part of the estate, it is most desirable. The \$2,500 advanced by Dr. Duncan we suppose was advanced to your Society, & that you desire us to return this amount out of the funds your Society has, in former times, advanced to us. Is this a correct understanding of the matter? It will be most economical to send the whole company in one & the same vessel, if Dr. Duncan can make the necessary arrangements for that end. Will not your Society make some effort through Mr. Winans, Mr. Drake, Mr. Finley to increase its resources, though I suppose the affairs of your section of County are anything but prosperous.

We are infinitely obliged to you for your management of the Ross case, & I have great confidence that you will have the satisfaction to consider that you have been occupied not only in a just cause, but in one of the greatest Humanity & beneficence. We are very sensible of the arduous & trying duties you have so nobly undertaken, but we doubt not you will be encouraged & sustained, & that your reward will be great.

Most respectfully & faithfully,
Your friend,

Dr. John Ker.

R. R. GURLEY.

FROM QUITMAN AND M'MURRAN.

NATCHEZ, December 27, 1842.

DEAR SIR—We enclose two notices for the appointment of Receiver in the case of the Colonization Society *vs.* Wade et al.

They are to be served on Dr. Parker and Mr. Coleman. The service on Wade and Ogden we have attended to. The best way of service will be to forward them by some safe opportunity or by special message to the sheriff of Claiborne, let him execute and return them to Court forthwith, enclosed to our address at Jackson.

It is of great importance that these should be promptly served and returned, for if we now fail we shall be obliged to go over the same ground again and perhaps be compelled to make a special visit to Jackson.

We are pretty well persuaded that under our contract our compensation will be but small, and we desire to secure what is left if any of the present crop.

We have also incurred some small expenses for copies, which at your convenience please refund.

Since the injunction has been served we have no information from the plan. It may be important to know whether it has been respected.

Very respectfully, etc.,

QUITMAN & McMURRAN.

FROM R. R. GURLEY.

WASHINGTON, January 16th, 1843.

MY DEAR SIR—On the 28th of November, I had the honor to communicate a Resolution of our committee expressive of their willingness to send a vessel to receive the slaves left by Mrs. Read, and we have been looking with some anxiety to learn very fully the views of yourself and Dr. Duncan on the subject. We will, whenever you wish, send a vessel to New Orleans, and we shall be obliged to you to favor us with your arrangements.

We hope you are prospering in all your efforts (so nobly undertaken) in the Ross case. I enclose a copy of my former letter.

Very respectfully
and truly your friend,

R. R. GURLEY.

Dr. John Ker.

FROM QUITMAN AND M'MURRAN.

NATCHEZ, Feby. 11, 1843.

DEAR SIR—In order to avoid any possible contingent responsibility on your part or that of the society in relation to the injunction upon the sale of the cotton of the Prospect Hill plantation, during the pending of the proceedings in chancery, we suggested to Mr. Ellett the counsel of Wade, that we would with your consent agree to remove the injunction on the cotton if Wade would give bond and security to account for it. Mr. Wade is now in and proposes giving such bond. We would advise for several reasons that the proposition be accepted. We can, however, only take it, with your consent. You will oblige us by advising us whether you will consent to this course on the part of the Society.

Very respectfully,

QUITMAN & McMURRAN.

Dr. J. Ker.

FROM J. P. PARKER.

WOODSTOCK, Feby. 21st, 1843.

Dr. John Ker:

DEAR SIR—Your favor per Mr. Spencer came duly to hand and would have been immediately replied to but that I expected to pass Natchez on my way to New Orleans in a few days after its receipt.

The answer of the Executors of Isaac Ross deceased, was delayed on account of the absence from Port Gibson of J. B. Coleman, and all the lawyers at Jackson and from the fact that service had not been made on Dr. O. and Mr. Coleman. Indeed, the time allowed after the service was too short to have been executed before the 18th of January. The first information I had on the subject was about the 1st and to procure the copies, etc., even if all the parties could have been called together without any delay was insufficient in notice and Mr. Coleman informs me that our answers if a Court [?] would not have availed as the "party of the other part" have demurred to the Bill, and to the Jurisdiction of the Court, which questions must be decided before the merits of the Bill can be tested.

As to the letter of Mr. McMurran, it did not come to hand till ten days after its date, and did not, I thought, require any reply, as it was merely a statement of the views of the counsel of the Society in relation to the liability of Dr. O. Mr. C. and myself.

I have forwarded to Messrs. Q[uitman] and McMurran the joint answer of the Executors except Mr. Wade, and have suggested that, if it is not full enough, they may intimate such further answers as may be thought necessary by them, and if in accordance with our views of facts, we can incorporate them in our answer.

In haste very Respectfully

yr. ob., J. P. PARKER.

P. S.—I cannot think of any person who will answer for a Receiver, but will continue to have that object in view. And if a suitable person presents, I will address you on the subject.

yrs.,

J. P. P.

FROM R. R. GURLEY.

OFFICE OF THE COLN. SOCIETY,

WASHINGTON, Feby. 22nd, 1843.

MY DEAR SIR—I have your obliging favor of the 3rd, also one from Dr. Duncan on the same subject. Our committee have directed the immediate charter of a vessel, which will be prepared to sail from New Orleans by the 1st of April. Dr. Duncan has generously indicated a disposition to advance some fifteen hundred dollars for providing supplies, and we hope to take some freight for the government from Norfolk, which will somewhat lessen our expense. Freights are high, and we must make every effort to meet the necessary expense of this expedition.

Our committee desire me to suggest to you, sir, and also to Mr. Maybin of N[new] Orleans the importance of some agent being selected and recommended to promote the cause and secure contributions in Mississippi and Louisiana. If you could secure the effort of a suitable person for a few weeks only, I should

hope valuable assistance might be obtained towards securing means for this expedition. Could Mr. Chase, or Mr. Winans or Mr. Finley, or Mr. Russel be persuaded to make an earnest effort to increase the resources of the Society? May I beg your earnest attention to the subject of a permanent and efficient agency in the States of Mississippi and Louisiana?

I hope your noble and generous endeavors to see justice vindicated in the case of the people liberated by the will of the late Capt[ain] Ross will prove entirely successful. It is of the greatest importance to Humanity. My best respects to your good family.

I am ever, my dear sir,
Yours with perfect Respect,

R. R. GURLEY.

Dr. John Ker.

FROM QUITMAN AND M'MURRAN.

JACKSON, March 24, 1843.

Dr. John Ker:

DEAR SIR—After reflecting upon the proper course to be pursued in the matter of Mrs. Ross' petition, we concluded upon applying to the Chancellor for an injunction to stop proceedings in the Probate Court and bring up the whole controversy here. We have obtained an injunction and now enclose the writ to you, to be forwarded to Jefferson county. This will supersede the necessity of your being personally there on next Monday.

The writ should be immediately forwarded to the sheriff of Jefferson county and served by him on Mrs. Ross and General Charles Clark, her attorney. If service can be had of this process before next Monday, there will be no necessity for attendance there. We advise sending a special messenger to place the writs of injunction and subpoena in the hands of the sheriff.

The answer of Wade has not yet come in.

Very respectfully
Your friends, etc.,

QUITMAN & McMURRAN.

P. S.—We also write to Mr. Hewitt that he may advise you if any difficulty occurs in the matter.

FROM W. M'LAIN.

NEW ORLEANS, 4 April, 1843.

MY DEAR SIR—I have just reached here and make the speediest arrangements that I can for the sailing of the Expedition. I have written Dr. Duncan a line & trust that the people will be ready as soon as we want them. Cannot we have an important meeting in Natchez on the occasion of their departure? We are intending to have one or two in this City and shall be happy if Mr. Winnons & Mr. Finley can both attend. Our friends in Mis City seem in very good spirits.

With sentiments of respect,

Yours truly,

W. McLAIN.

John Ker, M. D.

FROM W. M'LAIN.

NEW ORLEANS, 17 April, 1843.

DEAR SIR—Yours of 11 inst. did not reach me till to day. I shall be governed entirely by your opinion in regard to the expediency of attempting to raise funds in Natchez at the present time. Indeed I believe I have never refused to take the council of yourself and our other good friends in your place.

In regard to the *articles* in the *Repository*, I can only say, I protested against their publication with all my might, alleging the very things which you mention in your letter. But I was not the Editor of that Paper, and I failed to prevent their publication.

If in any of my movements I have done what is injudicious or wrong, I will be obliged to you to mention it to me and I will endeavor to do better in time to come. I hope, my dear Sir, that you will banish all thoughts of giving up the agency which you have so generously accepted. I know the sacrifices which you have to make in carrying it forward, but I trust you will meet a sufficient reward in the consciousness of having done a great and important good. I know of no individual who can fill your place. I most deeply regret what any should have done at Washington to have increased the difficulties and embarrassments with which you are surrounded.

Dr. Duncan informed me that there were about twenty men in Natchez who would probably go at this time if provision could be made for them. I wrote him that we were much pressed for means, and should like to have some aid in sending them. But as you think no money can be raised in Natchez, and the people are as worthy as they have been represented to me and desire to go, we will take them, and trust to the wise Ruler of all things to enable us to meet the expense. I am disposed to make this offer because it is important they should go at this time, as we intend to give new energy to the Settlement at Greenville, and also at Blue Bane. We shall immediately erect for the U. S. Government a house there for recaptured Africans and make a part of the agency for recaptured Africans centered there. I shall send out a large supply of goods for the purpose of trade, in order to conciliate the natives in the region and to make Sirson harbor a place of importance in view of the natives trading along the coast. If the subjects in Natchez conclude to go, I should like to know it as soon as possible. If I can I want to visit Natchez this week.

Yours truly,

W. McLAIN.

John Ker, M. D.

FROM R. R. GURLEY.

WASHINGTON, May 1st, 1843.

MY DEAR SIR—Our friend Mr. McLain has forwarded to me your letter addressed to him on the 11th of April, and I am pained to observe that you disapprove of the brief notice, in the March number of the Repository, of the contemplated expedition from New Orleans. The *sole* object of the notice was to secure contributions at this time, when we urgently need them. I had thought that after the appearance of your letter, some months ago (a most bold, just, and able one) there was some relief from the extreme sensitiveness, which seems to prevail in Mississippi, on this whole business, and that with the Law and all good men with us, the purposes of justice and benevolence might be executed. I certainly *intended* to utter the truth, and with all respect and decorum, in the notice to which you refer, and I should not have penned it had I thought it

possible it might disturb your proceedings, or wound the feelings of Mr. Duncan. I now see and regret that I did not duly appreciate the *nice* peculiarities and difficulties of the case. I beg you to explain this to Mr. Duncan, to whom I had thoughts of writing. It is no easy matter to steer our vessel with so many opposing elements from the north and the south. I pray God Almighty to sustain, and aid you in all your generous and Christian efforts.

Very faithfully and truly yours,

Dr. John Ker.

R. R. GURLEY.

FROM J. P. PARKER.

PORT GIBSON, July 13th, 1843.

Dr. John Ker:

DEAR SIR—I met with Mr. John S. Chambliss to day, and in conversation with him learned that for a fair compensation he would accept of the situation of Receiver under the appointment of the chancellor of this state, of the Estate of Isaac Ross dec[eased.] Mr. C[hambliss] lives near the Estate, is a prosperous responsible Planter, has honorably met all his obligations as far as I am informed, and if appointed is better calculated to further the interest of the society (colonization) and to protect the Estate against any and all the malign influence of the vandals now in possession and their Friends than any Person within my knowledge.

He is wealthy, and I believe out of debt, but would not probably be willing to give a Bond with security. He will require \$1,500 per annum for his services as Receiver and general superintendent, and I have no doubt but by his management more than double that sum would be saved.

Very Respectfully
Your Friend,

J. P. PARKER.

FROM J. P. PARKER.

PORT GIBSON, Sept. 2nd, 1843.

Doctor John Ker:

DEAR SIR—Your favor of the 30th ult. came to hand this moment. I have delayed a reply to yours of —, expecting to

see Mr. Chambliss. In which I have so far failed. He has been very ill, and as far as I can learn has not been in town for a month or more.

I have no doubt but He would be willing to give his Bond for \$20,000 for the faithful performance of the trust, which I would suppose would be satisfactory. But if security should be required on the Bond and he should decline on account of asking security for so large an amount, *I will*, in consequence of my confidence in him, and for the additional and more important reason with me of wresting the property from the hands of the present possessor, and placing it in a position that the American Col[onization] Society can command it, join him as security on the Bond.

I do not think any security necessary to ensure Chambliss' responsibility and would prefer not to have anything to do with it if I can be excused.

Chambliss is out of Debt, has a large and productive Estate, and is not involved as endorser or security so far as I know, or believe.

His name is John S. Chambliss.

I am much pleased to hear of the health of connexions and Friends in y[ou]r vicinage. There has been considerable sickness in this place and neighbourhood. My Family have been so fortunate as to escape all dangerous diseases.

Very Respectfully yours,

J. P. PARKER.

I will write to Gen. Q. today.

FROM J. P. PARKER.

PORT GIBSON, 11 Sept., 1843.

DEAR SIR—I wrote you some days ago in reply to yours.

I have learned from the negroes on the Prospect Hill Plantation that Mr. Wade is sending off the cotton marked "P. W. H." to Rodney. I get the information from those negroes in whom I have entire confidence. They brought me a piece of Lowell on which was marked with a Brand the above.

My name *must* not be known as conveying the above information. The facts I presume can be had by application at Rodney, to the merchant who receives the cotton. The teams of the Plantation are well known there.

We are in moderate Health. Hope you and your family may escape the disease of the season.

Respectfully yours,

J. P. PARKER.

FROM R. R. GURLEY.

WASHINGTON, Sept. 29th, 1843.

MY DEAR SIR—It is some time since we have had the pleasure of hearing from you, and I have felt not a little concerned about the establishment of an agency in Mississippi and Louisiana.

Remote as we are from you, it is not easy for us to secure the services of a Gentleman, well acquainted with the sentiments and views of the public in your region, and we should be gratified if your society could select some individual who would be acceptable to Mississippi and Louisiana and promise to advance the cause and increase its resources.

We hope you have no difficulty, at least, none insurmountable in the management of the Ross estate. If you secure the liberty of those people, and means of settling them in Africa, you will deserve a statue of gold. I know how much the cause is indebted to your exertions, and how greatly you appreciate its importance, and I fervently pray that a good Providence may enable you to carry through effectually measures for the liberation and welfare of the large company of human beings, who cannot be left in their present state without a violation of all law, Human and divine.

The Repository contains all important intelligence from Liberia. You perceive how necessary that our Colonial Territory should be enlarged. It is certainly time that the subject was brought distinctly before the Legislatures of the States and of Congress. But human nature is slow to do good. My principal trust is Almighty Providence. Pray offer to every member of your excellent family the assurance of my highest respect and regard and accept for yourself the same.

R. R. GURLEY.

Dr. John Ker.

FROM R. R. GURLEY.

WASHINGTON, Oct. 31st, 1843.

MY DEAR SIR—I am sorry to have said anything in my letter of the 29th of last month, which should have given you pain, or occasion to the reproof which you have felt it your duty to administer. Admiring the candid & Christian fidelity evinced by you in the case, I am so unfortunate as to differ from you in regard to the justice of the rebuke, as I still consider you justly entitled to the consideration & honour from your fellow men, which I thought proper to indicate in my last, although I admit that the best of men is without merit before God, I am not aware that expression of public or private approbation to eminent benevolence or resolution in the cause of humanity are prohibited or condemned in the Holy scriptures. I have feared that you might be discouraged in your arduous labors, & thought it right to let you know the honest opinion I for one, entertain of their value. However, I will not argue the question whether I think too highly of you or you too humbly of yourself, for I do not imagine that either of us is in special danger of injurious error in the case. Whether I am right or wrong, in thus defending myself, I pray you to consider that I deem your efforts for the benefit of the people of Capt. Ross of unspeakable importance, not simply as involving the liberty of these people themselves & their posterity for all future time, but as connected with the precedent, which the decision of the case must establish. It is a cause so solemn & weighty that I hope you will be willing to sacrifice for the purpose of sustaining it, & securing its success, any private interests, & even if need be, life itself. It is honor & usefulness enough for any man, to be the instrument of such great & lasting beneficence, as we may anticipate from the prosperous settlement of these people in the free & Christian Commonwealth of Liberia. I must crave pardon for this frankness, which *you* will pardon, I doubt not, since you have set me so good an example.

Very faithfully & truly,

Your friend,

Dr. John Ker.

R. R. GURLEY.

P. S.—I shall send you, at an early day, Mr. Kennedy's Report, with a great number of colonization documents published by

order of Congress. Can you not recommend an efficient agent for your State? We need help from your Society.

FROM MARY I. PARKER.

WOODSTOCK, January 1st, 1844.

Dr. Jno. Ker:

DEAR SIR—You will be surprised at receiving a letter from me, but Dr. Parker is absent at his plantation, and it's uncertain when he will return, and my sympathies have been enlisted by one of the poor negroes from "Prospect Hill," who has fled *without* the knowledge of I. Wade to inform Dr. Parker, who they think is their friend, that Wade has sent a family (this boy's sister and her husband) to his sister Mrs. Richardson, at Oakland College; the boy says Wade says they all belong to him, and that he intends sending a large number of the younger and more valuable ones to his plantation on "*Tensaw*," La. The poor creature wished to know if they should run off, but they have no one to protect them, and are of course very miserable. Knowing the interest you have taken in them, I take the liberty of advising you of his intentions, as it may be in your power to frustrate them, which I sincerely hope may be the case. Of course you will not mention my interference in this matter.

Wishing you success, I am very truly your friend,

MARY I. PARKER.

The boy says he intends sending them very soon.

FROM R. R. GURLEY.

WASHINGTON, January 29th, 1844.

MY DEAR SIR—As I well know your long continued and ardent attachment to the cause of African Colonization, I beg leave to state briefly the cause of my recent resignation as Secretary of that Society.

If you have seen my little work "Mission to England," you are not unacquainted with the efforts made by some few individuals, three and four years ago, against my office and myself. After the publication of that work, in the face of its statements

which have never been questioned, I was re-elected not only to the Secretaryship but to a place on the Executive Committee. Things have proceeded harmoniously, and nothing occurred of a painful nature between myself and the other Gentlemen of the Committee, although most of them were brought into their places by Judge Wilkeson. Some few persons of the Pennsylvania and New York Societies have continued dissatisfied, and on various occasions and in various ways expressed a desire for a change in my relations. Elliot Cresson has been particularly active. They came to our annual meeting determined, if possible, to effect their object. They first endeavored, in the Board of Directors, to abolish the office of Secretary on the alleged ground of the necessity for retrenchment, and next to elect as Secretary another individual. They were unable to abolish the office or prevent my election. But by a singular maneuver they placed me in a situation where I felt it my duty to resign. The facts were these. The Secretary had in all periods of the Society been a member of the Executive Committee. The efforts of J[judge] Wilkeson to exclude me from the Committee were well known, and the course I had in consequence taken. In going into the election of officers the Committee was first nominated, and without the name of the Secretary on the list, because, as the *nominating* Committee stated, it was not known who the Secretary would be. The list nominated for the Executive Committee was then *laid upon the table* in order to elect the Secretary, it *being understood* (certainly by all my friends) that when elected he would be placed upon said Committee. Some of my friends, immediately after my election, were called away, not doubting that the whole matter was adjusted, not imagining that advantage would be taken of their absence. The New York and Pennsylvania delegates finding themselves in an accidental majority, pressed the question on the Executive Committee as first nominated and carried it so as to exclude my name from the Committee.

I have thought proper to state these facts, that you may understand the case, and not because I regard the matter of much consequence, as it respects myself merely. So far as just principle, as honor, confidence, courtesy are concerned it is not of small consequence to the character of the Institution. The

movement was one against the strength and influence of the Institution, inasmuch as it was designed to utterly abolish or greatly abridge *an office* which has from the origin of the Society been connected with its correspondence, publishing, and all its most important proceedings. I shall do what I can for the cause. I hope the integrity of the Society may be preserved, and its character retrieved. It is of great importance that your Society and that of Louisiana should be represented the next year. I hope your efforts in the Ross case will be effected. My best regards to your whole family, and believe me ever

Most faithfully yours,

R. R. GURLEY.

Dr. John Ker.

FROM ZEBULON BUTLER.

To Dr. Ker, Lincoln:

MY DEAR FRIEND—Your kind communication was duly received and considered. I had an opportunity of seeing Mr. Chambliss and meeting with two of the leading negroes. I waved your precautionary measures and talked with them upon the subject. I found they understood the whole business and though I said no more than to inform [them] that Mr. C[hambliss] would go there clothed with the authority of the State and it would be to their interest to obey him implicitly, they at once expressed great gladness to be rid of their present Master, as they could not be trusted, etc. They also gave me satisfactory proof of a determination to resist or at least to make a show of it. Several had been there armed one day and on the 4th of July the owner was to have a Barbecue for his companions in arms. I have heard from other sources that Mr. Wade has expressed his determination to resist, but I heard so much of that in our case, that I give little credit to it. The Lord reigns and will work allright. Dr. Parker and wife returned on yesterday in improved health after a pleasant journey through the North. He says the River will not run but a little more though it will be kept at its present height for some time. Miss Jane Murowih whom he expected to return with him, has gone to an uncle's in Pa. Mr. Murowih left on Friday last. We are missing more than is usual of our citizens this summer, as Northern traveling

is coming again into vogue. Your venerable mother's old pupil and friend, Mrs. Magruder (Betsy Hamerylen) was called away from us quite suddenly by death on the 5th inst. She was a good woman and had been a consistent Christian for 20 years. The health of our Town is very good. Dr. Morehead is the only adult we have lost since January. The whooping cough prevails and 3 infants have died of that complaint. There have been several sudden deaths in the County recently and among them Mrs. Spencer in her 81st year.

The College has been a little disturbed by sickness but I hear this morning all are convalescent. I am sorry you are to be without a Pastor this summer. I wish I had as indulgent a people in my charge. I am sorry I can't help you; I *must* stay at home till Presbytery, as I will then be absent two Sabbaths. Our young ladies please to say to Miss Sarah are now with us again in good health and will be happy indeed to have another visit from her. All our family join in love to yours. I shall try to remember you and hope we shall often meet at the mercy-seat in our affectionate remembrances.

Most sincerely yours,

ZEBULON BUTLER.

Parmage, July 8th, 1844.

P. S.—Since writing I have seen Mr. Chambliss and say he is informed by Dr. Achison, a friend of Mr. Wade, that opposition will be made and he is sure he cannot go there with safety. There are several armed men on the place and Wade keeps himself away and so that Chambliss can't demand the place of him. He has sent to the sheriff of Jefferson Co. & he refuses to act, or at least so Mr. C. understands him. You can not expect Mr. Chambliss to expose his life, and though I don't believe there is danger, yet he thinks there is. I should suppose the Lawyers' court would take the matter in hand, as not only justice requires, but the safety and the reputation of the State demand it. I am sure Mr. C[hambliss] will do nothing more, and indeed I don't see that he can. He feels uneasy about it as he hears they are displeased and they may interrupt his peace at all events.

Sad times indeed, what can save our country, unless the Lord in his infinite mercy intervenes.

FROM J. P. PARKER.

WOODSTOCK, July 11th, 1844.

Dr. John Ker:

DEAR SIR—Mr. John S. Chambliss requests me to say to you, and this [sic] you to Messrs. Quitman & McMurran, that he has been deterred from making a formal demand for the peacible possession of the Estate of Isaac Ross, deceased, by the threats made by the Friends of Isaac Wade, who are stationed at Prospect Hill, that they will shoot any person who may make an attempt to execute that portion of the Decree of the Court of chancery, requiring a demand of possession, and further that Isaac Wade is reported to be absent from Prospect Hill, and as Mr. Chambliss believes will evade a personal demand of possession.

The feelings of the people of Jefferson County and of this county in the vicinage of Prospect Hill, are favourable to the pretensions of the Heirs, which, taken in connexion with threats of violence, renders it difficult for Mr. C[hambliss] to procure persons who will accompany him, and testify to the facts of demand of possession. How can this difficulty be obviated? asks Mr. Chambliss, and suggests that Judge Quitman with a Friend from Natchez shall join him, and they will take the legal steps to carry out the decree of the Chancellor or make an application to the Chancellor to change the Phraseology of the decree, and require the Sheriff to place the Receiver in possession. It is important that something be done early else Chambliss will resign his trust.

From the violent hostility of the family to me on account of my actings and feelings in relation to the management of the Estate by Isaac Wade, I am determined not to appear personally in the matter unless forced by some overt act of the Family to do so.

I arrived at Home on the 6th and had the great gratification of finding my Family and Friends in this neighbourhood in the enjoyment of good health, which blessing I trust has been extended to you and your Family.

I found the Miss. River had fallen at the mouth of Ohio 4 inches with a rise between there and Memphis, which would perhaps raise the River at the latter place an inch or two, my

Plantation slightly injured, the river falling at and below the mouth of Arkansas. The country below the Arkansas to Point Chicot almost entirely, and destructively deluged, and occasional plantations Chicot amounting to perhaps one-half the number of all, as low down as Millikens Bend, which was safe when I passed but beginning to suffer some from back water. Unless there are large rains at the sources of the Rivers there will be little or no increase of water above Natchez.

The land about the mouth of the River St. Francis had Banks, and I would say from their appearance were dry, the effect probably of the Horse shoe cut off.

I would rather have a cotton plantation there than anywhere within 100 miles from and below the mouth of the Arkansas.

Very Respectfully Your Friend

J. P. PARKER.

FROM I. T. M'MURRAN.¹⁸

JACKSON, Feby. 6, 1846.

Dr. Jno. Ker:

DEAR SIR—There is some question in regard to the former appeal which you executed, as it was made payable to Isaac R. Wade instead of the judge of Probate. I wish you to execute the enclosed one as agent and as surety. I have put in pencil the names and seals, and enclose it to me by mail, if you have not a direct opportunity otherwise, as the mail is quite regular from Natchez here.

Briscoism is under full discussion in the house. Guion's bill to repeal the conservative portion of the law would fail, and the Briscoites have become so sensible of this that this evening it was moved to amend Guion's bill so as to enact thus the *whole* Briscoe law be repealed. It is said that many will vote for the repeal of the whole law, who would not vote for a repeal of Guian's amendments to the law as it now stands. I hope, however, that it will not now be repealed, as the [?] have been enjoined and paralyzed for the last two years, and the repeal would give rise to renewed and more extended litigations as to the legal consequences of the repeal on those institutions, whose

¹⁸Indorsed: I. T. McMurran, Esq., Feb. 6, 1846. Concerning the Wade suit.

charters have been forfeited under this law. There has as yet been no discussion on this new move, which would authorize a mere spectator to determine with any certainty the result.

The Colonization Society case in the High Court has not been reached, and from the discussion of [?] cases, etc., the progress of business is slow indeed.

I. T. McMURRAN.

FROM I. T. M'MURRAN.¹⁰

DEAR SIR—Mr. Wade called yesterday and handed me the enclosed memorandum, which I had furnished him previously, as I mentioned to you. He seemed to dwell on the point that he could yield possession of nothing *until everything was finally closed*, etc. He said but little on the subject, stated that he was going over the river to his place and would call again on about Tuesday and see me more fully.

I send you the memorandum I placed in his hands, that you may see whether it differs from your views or not. Please take care of it, as I have no copy.

Yours truly,

I. T. McMURRAN,

Dr. John Ker.

January 23, 1847.

COPY OF THE ENCLOSED MEMORANDUM.

"Mr. Wade to give up to Dr. Ker, Agent of the Society the negroes in his possession, contained in the schedule annexed to His answers, also the personal property mentioned in the Schedule, on the plantation, including last year's crop of corn, also the tract of Land in Claiborne County, to be disposed of for the benefit of the Society. Mr. Wade to settle any existing debt against the estate, including the legacy of \$2,000 to Mr. Richardson, etc., if the lot of negroes elect not to remain with him, Mr. Wade to take the Prospect Hill Plantation of land in satisfaction of any balance claimed by Him as Executor and in full of all demands. Title to be made to Him in such mode as His counsel and the counsel of the Society shall deem most effectual

¹⁰Indorsed: I. T. McMurran, Esq., Jany. 23d, 1847. Enclosing memorandum of propositions for compromise with Wade.

to Him. But the Society to have use of the Plantation this year free of charge, while this arrangement is being carried out in its details.

This agreement to be subject to the satisfaction of the Society as soon as their action can be had, and they heard from. The Chancery suit to remain pending until the arrangement consummated in its details, which is to be done in the course of this year."

FROM NOAH FLETCHER.

COLO[NIZATIO]N ROOMS,

WASHINGTON CITY, June 7th, 1847.

DEAR SIR—I hasten to inform you that your favor of the 31st ult., relative to the proposed compromise with Mr. Wade was duly received, and I have forwarded it to Mr. McLain, who is now in Ohio, and I have no doubt he will favor you with an early answer.

Yours very respectfully,

NOAH FLETCHER.

Doct. John Ker,
Natchez, Miss.

FROM W. M'LAIN.²⁰

TROY, O., 12 June, 1847.

MY DEAR SIR—Yours of the 31 ult. has just reached me *here*, where I am attending to a *will case* for the Society, which has been rather difficult to manage, but not so bad as the one which has claimed so large a share of your attention.

I am much surprised at the state of things which you found at Prospect and which you have described. It is sad indeed. It appears to me, however, that you have acted perfectly right in the premises; and I approve entirely of what you have done. As to the point touching which you ask our opinion, viz., whether the Society would furnish the *teams* necessary to make the crop, I must say, though I do it reluctantly, *that we cannot consent to do it*. The risk is too great; the result, too uncertain. The

²⁰Indorsed: W. McLain, Secy. A. C. S., June 12th, 1847.

horses now on the place may die. Those we should put there might die. There is no limiting the *disease*. Of course there is no telling what it would cost us. We, like you, are most anxious to have the matter finally settled, and the intentions of the Testator carried out. But we must not sacrifice everything and place ourselves in a situation where the people be thrown upon our hands, with no means to send them to Liberia. Therefore, unless Mr. Wade will furnish everything necessary to raise the crop, as you proposed, I cannot see how anything can be effected. Unless, when you return, you and the Lawyers, seeing better the actual state of things than *we* possibly can, at this distance, should be willing to assume the responsibility of *making* the crop to the best advantage by furnishing whatever may be necessary thereto, then at the end of the year pay all expenses *first*, and then divide the remainder equally between the three parties, as you proposed under the former arrangement. If *they* (the Lawyers) are not willing to run this risk and share this expense with the Soc. I do not see any other way than to let the *law* take its course, and us *abide* our time.

I shall be glad to hear from you again as soon as you have anything to communicate. I expect to reach Washington again by the 15th of July.

I hope you found your sons better than you anticipated and that all are now well with you. Please excuse this *fancy* paper. It is the only sheet I can lay my hands on just now, and I have not time to go for another before the mail closes.

Yours most respectfully,

W. McLAIN.

John Ker, M. D.

FROM R. S. FINLEY.²¹

ST. LOUIS, 5 August, 1847.

MY DEAR FRIEND—Your favor of — ult. came to hand during my absence attending a colonization convention at Springfield. I thank you for the information and suggestions contained in it. Your suggestion of raising money for the specific purpose of sustaining the expense incurred in an effort to compel General Wade

²¹ Indorsed: Recd. R. S. Finley, of St. Louis. Recd. Aug. 21, 1847. Ansd. same day.

to execute Mr. Hind[’s] will, meets my views exactly. Brother Butler, who left here on Monday last made *the same suggestion*, and will probably write to you on the subject. With regard to the amount necessary to be raised I will give you the best data I can, on which to base a calculation. The exact amount cannot be foretold. First in regard to my own compensation. I should think it reasonable that I should receive at the same rate of compensation as is allowed me by the Missouri and Illinois Colonization Societies, viz., \$1,500 per year and travelling expenses. It requires the whole of that sum to enable me to live in a plain way in this city. I would spend as much time in Mississippi as would be consistent with a faithful discharge of my duty. It increases the expense of my family to make frequent or long absences from home. It is also a serious inconvenience to me and to them, and it also deranges my plans in relation to my agency here and of my family. I expect no profit, nay, I am prepared to encounter loss in the fulfillment of the sacred trust confided to me. And your own experience in a similar case will lead you easily to believe that I do not anticipate “a new trip of pleasure” in visiting your State on this business.

In regard to my past labors I have to say that I was absent from home on this business two months and one-half last spring. My travelling expenses were about \$50. I have received that amount from Bro. B., as stated in a former letter, leaving me without any compensation for my time. The proposition from your Committee was that I should receive at the rate of \$1,000 per year provided I raised at least the amount of my salary. But as I have already said, I collected nothing beyond my travelling expenses. It may be therefore, that I have no claim for compensation as I collected no money. If you should view the matter in this light I do not insist upon receiving anything. I would, however, suggest that I bestowed more than a month of hard labor in my agency besides the time (say two weeks) lost in going and returning. I visited the Mississippi Presbytery and addressed them and obtained the promise of several of them to take up collections for the Society. Whatever collections may have been taken up in consequence of my efforts may fairly be set down as the fruits of my agency. At Oak-

land College I made a laborious and faithful effort, and at Vicksburg. Of my efforts at Natchez I say nothing. It is abundantly mortifying to me that the expectations of your Committee as well as my own expectations were disappointed in my not raising at least the amount of my salary. But while I suffer both mortification and inconvenience from my ill success, I am at the same time conscious of having been both diligent and faithful.

There are many delays and perplexities connected with my trusteeship of Mr. Hind's will. But I endeavor "to strengthen myself in the Lord." I believe it His cause and I dare not abandon it. Your suggestion in regard to the character of the lawyers to be employed are entirely correct and shall be or rather have been attended to. Geo. S. Yerger is our Leading Atty. He is a man of piety and seems to enter with ardor into the business from a "higher feeling than that of pecuniary interest." He is already employed in a case of immense importance now pending in the Supreme Court of your State in which more than a hundred slaves and money to send them to Liberia and settle them there, were left by the will of Mr. *Hooe of Virginia*. The slaves were in Mississippi. Yerger expects to succeed on the ground that the slaves being personal property are to be disposed of according to the laws of the state in which the owner had his *domicil*, and not according to the Law of the State where the property happens to be. This is a well settled principle of international law in all civilized governments, at least in America, England, France, and Germany. Let us quit ourselves like men in the defence of these Wills. We owe it to ourselves, to our country, and to our God to do so. I hope you have been successful in getting possession of Captain Ross' Estate. I have not been informed as to what was done at your meeting in June. I am sorry your meeting in July failed. But, my dear friend, keep a good heart. Go on in the strength of your Redeemer and in due time we shall reap *if we faint not*.

Your Brother in Christ Jesus,

R. S. FINLEY.

P. S.—Our Assistant counsel is Mr. Watson, a worthy member of Bro. Baker's church at Holly Springs. When written to on the subject, He replied that General Wane had told him that

he wished to employ him in case of a suit against him, but that he would rather help us than assist General W. in perpetrating such a fraud on the estate of Mr. Hind.

Dr. John Ker.

FROM W. M'LAIN.

COLONIZATION ROOMS,

WASHINGTON CITY, 18 Sept., 1847.

MY DEAR SIR—I embrace the first moment since my return to acknowledge the receipt of your esteemed favor of the 4 ult. And I cannot but wonder at the most singular occurrence of incidents touching the adjustment of that estate. I am almost ready to believe that Providence has been frowning upon our efforts to compromise, as if it would be giving up great and fundamental principles and yielding to unjust usurpations. At any rate it is [?] astonishing that on the very eve of the final adjustment of two compromises, they should both have been frustrated by manifestly Providential displeasures.

I approve entirely of your course in the matter. And should any new plan be proposed, you understand fully our views in reference to any compromise, and we have full confidence that you will act judiciously, so that you will be prepared to act in the premises. We could not take the slaves and send them at the close of this year, without some means, with them.

If Mr. Wade fulfills his professions to you to tender the nett proceeds of the present [?] and the slaves to the Soc. at the end of this year, it will become a serious question what we shall do with them. If the lawyers would take \$5,000 each, *i. e.*, \$10,000 in all, and we could take the slaves and have the use of the *place* and horses, etc., for another year, we could work through. In view of [?] *probable* case, might it not be well for you to get if possible from Montgomery, Boyd & Prentiss a written pledge to take \$5,000 provided the Soc. can between this and say 1 Feb., 1848, enter into any agreement with Wade to get possession of the negroes? If they will do that, it will leave the way open for us to do the best we can in any state of affairs which may arise.

I understand Mr. Raily has some \$10,000 or \$15,000 which can be appropriated to Colonization purposes. Could he be induced, provided we get the slaves and nothing else, to give say \$5,000 to aid in sending them to strengthen and enlarge Greenville?

With best regards to your family I remain
Yours very truly,

W. McLAIN.

John Ker, M. D.,
Natchez.

FROM HANNIBAL ROSS.

GREENVILLE Since March 26th 1848.

Dr. John Ker:

SIR—I embrace this opportunity by Capt. Carlton by dropping you a few lines to inform you that I am at my journey's end safe, all seem to enjoy good health so far, except my son Winson, who was sick during the whole passage.

You will please inform Celia to bring her children up the fear of the Lord, as he is greatly to be praised for having spared me to arrive on the shores of Africa safe, and give my respects to all the rest of our people; also give my respects to Mr. Isaac Wade & all his family. Mr. John Congo told me before I left that I could get my daughter Charlotte any time, and I hope you will obtain her from him and send her out in the next expedition, if you please, and should he demand payment for her please send me an answer by first oppty. And tell my children when they start to come to bring all & everything they can because everything is needed in Africa. I have not as yet had an opportunity of taking a view of the country, but so far as I have seen I like it much.

Uncle Necter Belton wishes you to give his respects to Mr. Isaac Wade & all his family. Jane Ross, and tell Mr. Wade to send him something, and my son Charles is not dead, he is still alive.

Having nothing more of any consequence to say I conclude,
hoping you will use all the energy to send our people to Africa.

I remain

Your obbt. Servt.,

HANNIBAL ROSS.

P. S.—I would like to hear from my son Thomas, because a few days before I left he was sick, also my son John and all my Granddaughters & their parents, &c., &c.

HANNIBAL ROSS.

FROM HECTOR BELTON.

GREENVILLE SINOB, October 12th, '49.

RESPECTED SIR—As an opportunity occurs by the Liberia "Packet" I embrace it by writing you these few lines to inform you that I'm still spared & alive, hope they may find you and your family enjoying good health.

Jeff is well and haughty, and is on his farm trying by the assistance of the Almighty to make a living, and his children are also well, and expresses their thankfulness to you, for your kind & affectionate influence & contrivance of his being in Africa with them, where they have labored long under fearful apprehensions of ever meeting him in this life. Of the last of our people (*i. e.*) the Ross Set that came out here twenty-five have died from the effects of the *Cholera* taken in New Orleans on their way out here.

You will please write me by first opportunity how all the remaining Ross people are. Old man Hannibald is well & family and wishes to know from, if you have done anything for his daughter Cecelia.

Now, my dear sir, knowing you were always kindly & friendly disposed towards me, even when Capt. Ross were alive, and I now am old & helpless, can't work, let me intrude upon you, notwithstanding past events. Simply by begging you to send me a little Soap, Rappa Snuff & any old clothes that you may judge to be of service to the old man in Africa, and a razor. A number of the last emigrants that is our people died on their passage out here, among whom were as follows: James Cole, Grace Julia (in N. Orleans).

This settlement (Greenville Sinoe) is rapidly improving & increasing in population, &c., and have been upon the continual increase ever since I have been here, and I believe the Spirit & necessity of Education have been awaken considerable.

Now, dear Sir, I hope & trust by the very first opportunity to hear from you and let me hear from all of our people there. Having more of interest to communicate I conclude, praying that the Lord may continue to add his blessings towards you.

Yours very Respectfully,

HECTOR BELTON.

P. S.—Old man Scipio & Sampson is dead.

FROM JNO. A. WATKINS.

RODNEY, April 12, 1848.

Dr. John Ker:

DEAR SIR—I am in receipt of your favor of the 8th.

The pork sold at Prospect Hill plantation was bought by me for Mess, and was so marked on the head, but as it proved to be a different article, a deduction must be made. For Mess I charged \$10, and as the article sent out must have been Rump pork, as you say it was neither Prime nor Mess, I will deduct \$2 per barrel, which I hope will be satisfactory. The % will be found on the 3 page, and if convenient, you can send me a check on New Orleans for the money.

I have forwarded the letter to Rev. Z. Butler. No cotton goods have been received for the plantation. Probably they may be up this morning.

Very respectfully,

Your obedient servant,

JNO. A. WATKINS.

IV. MISCELLANEOUS LETTERS AND PAPERS.

MEM[ORANDUM] OF AGREEMENT BETWEEN THE AMERICAN COLONIZATION SOCIETY BY THEIR AGENT, DR. JOHN KER, AND QUITMAN AND M'MURRAN.²²

Quitman and McMurran engage as the counsel of the American Colonization Society to institute and conduct to a final decision

²²Indorsed: Agreement by and between Quitman and McMurran and John Ker, Atty. in fact for the A. Col. Society.

on behalf of said Society, all necessary equitable or legal proceedings in the Courts of Justice of this state, for the execution of the will and codicils of the late Isaac Ross, of Jefferson County, in this state in relation to his negro slaves and the residuary legacies or proceeds ensuing from the sales of his estate bequeathed to said Society, as contained in said will and codicils, the Society to furnish the copies of papers that may be required at their expense.

In consideration of which profession[al] services, said Colonization Society agree to pay to Quitman and McMurran a sum of money equivalent to one-half of the whole amount of money and proceeds of property, which may be recovered and received by said Society under said will and codicils, when the same shall be realized by them, after the Society shall have deducted, from the whole amount realized, the expenses incurred for copies of papers or court costs and not otherwise reimbursed, and the sum of ten thousand dollars which the Society have agreed to pay Messrs. Montgomery and Boyd and S. S. Prentiss, Esqr.

Quitman and McMurran pledge themselves to the Society that they will use their best exertions to aid the Society to fully execute any final decision for the removal of the negro slaves to Africa, in fulfillment of such decision.

It is also understood as a part of this agreement that, in the event of such final decision not being had and the negroes delivered to said Society or their agent for removal by the month of January, 1844, Quitman and McMurran are not to receive any portion or equivalent of any portion of the proceeds of any crop or crops subsequent to that of the year 1843, if any shall be raised.

September 28, 1842.

QUITMAN & MCMURRAN.

JOHN KER, *Attorney in fact*
for the American Colonization Society.

COPY OF LETTER FROM H. T. ELLETT, ESQ.

PORT GIBSON, May 12th, 1847.

I. R. Wade, Esq.:

DEAR SIR—I have given to the agreement you sent me by Mr. Stampley such consideration, as the shortness of time will

allow. It appears to me that the clause on page 5th commencing "It is distinctly understood," and going on to exclude from the terms of the agreement the negroes heretofore sold, and the five since sold on Execution, is not sufficiently *definite*. There ought to be a clause agreeing on the part of the Society not to attempt to hold you accountable for them by any legal proceedings whatever. As it now stands, it seems to me that they might make difficulty by contending in the chancery suit, that you are accountable for them. I do not think they could succeed in such a thing. But the agreement is not definite on that point. I see no objection to any other part of the Document, but I confess I would have preferred to have had more time to consider it.

One question is important, and the document furnishes no solution of it. By whom is the instrument to be executed? The *Society* can only be bound by its *corporate seal* (which I presume is not here) unless they have authorized their agent to bind them in some other form. If they have not done so, then Dr. Ker ought to bind himself individually, that all the terms and stipulations of the agreement on the part of the Society shall be faithfully fulfilled. I have the most entire confidence in Mr. McMurran and Dr. Ker, but as the performance of the agreement is to *commence* on your part by a delivery of the proper[ty], you ought to have a legal security against some responsible person for a nonfulfillment of its stipulations. A clause something like this may be added.

"In consideration of the mutual stipulations and conditions in the foregoing agreement contained the undersigned Isaac R. Wade of the one part, and John Ker, acting as agent for the American Colonization Society of the other part, hereby obligate and bind themselves individually to the performance of the said agreement in every particular."

I observe a condition that you are to pay me \$250. It is proper I should say that the account has been due since January 1st 1841, and I shall expect to be paid 8 per cent interest on it from that time.

I think it altogether desirable that the decree that is to be entered in the Chancery suit, should be drawn up and agreed to

now, before the compromise is concluded. It might save difficulty and misunderstanding hereafter.

Yours truly,

H. T. ELLETT.

In the settlement of your accounts as Executor it will be well not to forget that you owe me \$100 for going to Fayette in Sept. 1845, to attend to the settlement of your accounts.

FROM P. ROSS TO DAVID KER, ESQ.

SINOE, GREENVILLE, Co. W. AFRICA, 23d, '48.

David Kerr, Esq.:

VERY DR. SIR—We have at length, after a voyage of about 70 day arrived safe at our new home in this our adopted land, "Our father home." Our voyage, as you will perceive, was long, but very pleasant, for our good Captain done all in his power to make us comfortable & happy. We landed last night & have slept on shore one night, & so far as we can judge from what we have yet seen, we feel quite sure that we shall be satisfied & happy as far as the country is concerned. But this is a new country where we shall, as a matter of course have to meet with many & fear very trying difficulties, these, by the assistance of God's grace, we do not fear, what gives us the most unpleasant feelings is, the manner we have been sent out to this country. We were told for the last three years that the avails of our hard labor was to be appropriated to our support in Africa, or to help us to establish ourselves in this country, but we find ourselves here without any means to help ourselves after we get through the fever. We hope you will be pleased to write us & explain this matter to us, so we may be satisfied as the disposition of the effects of our three years labor.

We shall be glad to receive by the earliest opportunity the guns & ammunition you promised us at N. O. We shall be glad to receive also a supply of nails to build our houses, as we have none & no means to get them, they are hard to obtain here & come high.

Mrs. P. Ross sends her best respects to Mrs. Wade. Also you will please accept from us our sincere & grateful respects.

Yours &c.,

P. ROSS,

ROBT. CARTER.

P. S.—Remember us kindly to our colored friends, & tell them when they come out to this country to bring everything for housekeeping, farming & carpending, &c., that they have or can get, they will need them, for they cannot be got here.

Mrs. Carter sends her best respects to Mrs. Wade.

■ Please hand this letter to Mr. Wade after you have read it.

V. NEWSPAPER ACCOUNTS OF MEETINGS OF THE MISSISSIPPI COLONIZATION SOCIETY.

Only two newspaper accounts of meetings of the Mississippi Colonization Society have been found. The State press seems to have been lukewarm on the subject of colonization. One of the Natchez papers refers to a complete history of the Society, which appeared in the *Southwestern Journal*, No. 2, published by the Jefferson College and Washington Lyceum, but it is doubtful whether there is a copy of this number of the *Journal* in existence.

THE WEEKLY COURIER AND JOURNAL (NATCHEZ), DEC, 28, 1838.

MISSISSIPPI COLONIZATION SOCIETY,

NATCHEZ, Miss., Dec. 12, 1838.

The annual meeting of the Mississippi Colonization Society was held in the Presbyterian Church at 11 o'clock, A. M.

The president not being present, Dr. John Ker, vice-president, presided, and at his request the Revd. S. G. Winchester opened the meeting with prayer.

The annual Report of the Executive Committee was then read, and on the motion of the Revd. S. G. Winchester it was resolved that the report be accepted and printed, under the direction of the Executive Committee.

On motion of Alexander C. Henderson:

Resolved, That the thanks of this society be given to the executive committee for the faithful and efficient manner in which they have conducted the business of the Society during the past year.

On motion of John Hutchins, Esq.:

Resolved, That the society for colonizing with their own consent on the coast of Africa the free people of color of this State is entitled to an honorable rank among the benevolent institutions of our country and our age; and the success which has recently attended the exertions of its friends should encourage them to persevere.

The Rev. S. G. Winchester, from the committee appointed at the last annual meeting for that purpose, reported a revised constitution, which, after some amendment, was adopted, as hereunto annexed.

The meeting then proceeded to elect officers for the ensuing year, and the following persons were duly elected, viz.:

Stephen Duncan, Esq., President.

David Hunt, James Railey, Thos. Freeland, Cowles Mead, J. R. Nicholson, Rev. W. Winans, Rev. D. C. Page, E. McGehee, Rev. Z. Butler, Rev. J. Chamberlain, John Ker, Levin Wailes, vice-presidents.

Rev. B. M. Drake, John Henderson, Alex. C. Henderson, James G. Carson, William Harris, J. Beaumont, Revd. S. G. Winchester, William St. John Elliott, William C. Conner, William Dunbar, Rev. B. Chase, and William Disland, Managers.

Thos. Henderson, Secretary.

Franklin Beaumont, Treasurer.

S. Duncan, John Ker, B. M. Drake, Thos. Henderson, and F. Beaumont, Executive Committee.

On motion:

Resolved, That the secretary be directed to furnish copies of the proceedings of the meeting to the editors of the city papers for publication.

And the meeting adjourned.

JOHN KER, Vice-President.

THOS. HENDERSON, Secretary.

CONSTITUTION.

ART. 1. This society shall be called the Mississippi Colonization Society.

2. The object to which its attention is to be exclusively directed is the colonization (with their own consent) of the free people of color residing in Mississippi.

3. Every person subscribing to this constitution and paying annually any sum to the Society, shall be a member thereof, and any person paying at any one time \$100 shall be a member for life.

The officers of the society shall be a president, twelve vice-presidents, a secretary, a treasurer, and twelve managers, who shall be elected by the society at their annual meeting, and continue to discharge their respective duties until others are appointed.

5. Out of the number of officers provided for in the preceding article, an executive committee of five shall be elected by the society, at each annual meeting, to transact the business of the society in the intervals between the meetings of the board of managers.

6. No amendments or alterations shall be made to this constitution except at a regular annual meeting, and with the concurrence of two-thirds of the members present.

MISSISSIPPI FREE TRADER AND NATCHEZ WEEKLY GAZETTE, JUNE
13, 1839.

At a meeting of the Mississippi State Colonization Society held this day in the Methodist Church, the Rev. William Winans (the president being absent), the senior vice-president, was called to the chair and Thomas McDonald (the secretary being absent) was appointed secretary.

The meeting having been opened by prayer and its object stated, the president called on the Rev. Mr. Gurley, secretary and general agent of the American Colonization Society, to address the society, who, after having read the constitution of the American Colonization Society, gave a lucid exposition of the objects, condition, discouragements and prospects of the

society of which he is agent, and concluded by an eloquent appeal to the judgment, patriotism and benevolence of the friends of the cause.

After which resolutions touching the relations hereafter to exist between this society and the American Colonization Society were offered by Dr. John Ker, and were under discussion when the society adjourned to meet tomorrow morning at 10 o'clock in this church.

Friday morning, June 7. The society met according to adjournment, the Rev. William Winans in the chair, and after being opened by prayer, the resolutions under discussion yesterday were called up, and after a free and full discussion and some amendments, they, together with the preamble, were adopted.

They are in the following words, to wit:

WHEREAS, This society cannot consistently with the existing constitution, adopt any change therein, except at the annual meeting; and,

WHEREAS, We believe it of the greatest importance to preserve union among the friends of a cause and to adopt the most effectual measures to prevent confliction of view, or collision in action, this society deem it proper to express their sentiments in the following resolutions, viz.:

1. *Resolved*, That this society consider the American Colonization Society as in every way entitled to our respect and veneration as a parent institution and that in any separate action on our part we have never contemplated or designed an entirely independent position.

2. *Resolved*, That we highly approve of the design of our friends of the cause of colonization to establish bonds of union and harmony of action both here and in Africa; and that to this end we recommend to the next annual meeting of this society the adoption of the recently amended constitution of the American Colonization Society, and the adaptation of our constitution to said constitution, provided the following propositions or articles be considered as compatible therewith, and as such shall be approved by the parent society, viz.:

First the Mississippi State Colonization Society reserves to itself the right of appointing its own agent for their colony

founded in Africa, and to clothe him with such authority and power as may be necessary to the fulfillment of these duties, provided such authority and power be not inconsistent with the code of laws and form of government adopted by the American Colonization Society for Liberia; and secondly, of having its territory extended to not less than 35 miles of continuous sea-coast.

After which a motion was made by Mr. Forshey to appoint a committee of three to draft a new constitution in conformity with the constitution of the American Colonization Society and to report the same to the next annual meeting of this society for adoption. The chairman appointed Dr. John Ker, Rev. B. M. Drake and Rev. S. G. Winchester, said committee.

The following resolutions were then offered by Rev. S. G. Winchester, to wit:

1. *Resolved*, That this society being impressed with the magnitude and benevolence of the scheme of the American Colonization Society in its relations both to United States and to Africa, and deem this scheme worthy of generous and persevering support to the citizens of this State.

2. *Resolved*, That the scheme of African Colonization commends itself to our good judgment and regards as adapted to unite the friends of benevolence and religion throughout the whole country in endeavors entirely unexceptionable to confer on Africa the blessings of knowledge, civilization and christianity.

3. *Resolved*, That, in the judgment of this society, the people of the Southern States of this Union are, beyond any other people, entrusted by providence with the means of conferring on Africa the above mentioned blessings; and as a Christian, benevolent and patriotic people, they are urged by the most weighty considerations to assist the free colored population of this country in founding and extending republican and Christian commonwealths on her shore.

4. *Resolved*, That the plan of securing for this cause throughout the Union, 20,000 subscriptions of \$10 each annually for ten years, is entirely approved by this society, and is earnestly recommended to the consideration of our fellow citizens of this State.

5. *Resolved*, That in reliance on divine providence and in hope of the co-operation of the citizens of this State, this society will attempt, as soon as possible, the organization of a colonization society in each county of the State, auxiliary to this society.

6. *Resolved*, That the executive committee of this society be authorized to employ a suitable agent, and to take such other steps as may be necessary to carry into effect the fifth resolution.

The following resolution was offered by Rev. B. M. Drake:

Resolved, That the proceedings of this meeting be published in all papers in Mississippi, and such other papers as the secretary may think proper.

The meeting then adjourned.

Great harmony and good feeling prevailed.

WILLIAM WINANS, *President.*

THOMAS McDONALD, *Secretary pro tem.*

Natchez, June 7, 1839.

VI. LEGAL INTERPRETATIONS.

Capt. Isaac Ross, a wealthy citizen of Jefferson County, shared with many other prominent citizens of this State in a desire to reduce the slave population. In order to prevent the dangers which would be presented by a large free negro population, a law had been passed which forbade the manumission of slaves except for "some meritorious act for the benefit of the owner, or some distinguished service for the benefit of the State," and then only by special Act of the Legislature. Capt. Ross at the time of his death, January 19th, 1837, owned about one hundred and sixty negroes and other personal property, the whole of which was appraised at \$103,665. His will bore the date of August 26, 1834. To this was appended four codicils. The said will and codicils provided that after the decease of the testator, his slaves, with the exception of a few particularly mentioned, should be called together and such of them as desired to go to Africa, the provisions of the will being first fully explained to them, should be sent there under the directions and superintendence of the American Colonization Society; that such of them as did not desire to go to Africa, with the residue of his estate, should be sold, and after the payment of certain legacies

and all necessary expenses, the proceeds should be paid to the American Colonization Society, to be appropriated first to paying the expenses of transporting his slaves to Africa, and secondly to their support and maintenance when there. It is further provided that the proceeds of the sale of such parts of his estate as were to be disposed of in that way should form a fund, so invested that it would bring not less than six per cent per annum, which interest was to be applied by the American Colonization Society "to the establishment and support of one single seminary or institution of learning in Liberia," and that this support should be continued to the said institution for one hundred years after his decease, at which time it should be given to any government then existing in Liberia to be appropriated "in the same manner to the support and continuance of the same institution." In case, however, there should be no government in Liberia at the expiration of one hundred years this fund should be given to the State of Mississippi for "the establishment or support of some one institution of learning in the State."

Capt. Ross having died in January, 1836, his heirs and those of his daughter, Mrs. Reed, who also died in 1838, filed bills in chancery to set aside the principal devises and bequests in the will and to enjoin the executors from proceeding further to execute the same, on the ground that such devises were illegal and void. There was a demurrer to both bills and, the suits being dismissed, an appeal was taken to the High Court of Errors and Appeals. The cases were submitted together in December, 1840. It was claimed in the bill that "all the provisions and trusts in relation to the transportation of the slaves of the testator to the coast of Africa, are in violation of the policy of the State of Mississippi, on the subject of domestic slavery; in fraud of the statute prohibiting manumission except on certain conditions, and consequently illegal and void." It was also claimed that the provisions of the will for the support and maintenance of slaves in Africa and for the establishment in Liberia of a seminary of learning were illegal and void because the bequest was in trust for an illegal purpose and was contrary to the policy of the State of Mississippi; also because that Society had no capacity by its charter to take for such a purpose.

It was further agreed that "the freedom of the slaves as well as the authority of the American Colonization Society to transport them to Liberia" was made "to depend on the election of the slaves themselves, to be held on the plantation of the testator," and that inasmuch as the slaves had "no power to emancipate themselves by their own election, and thereby to authorize the American Colonization Society to transport them to Liberia," these provisions of the will were not only derogatory to the rights of the heirs but in contravention of the whole policy and laws of the State on the subject of domestic slavery.

The opinion of the court upheld the will, deciding that the question at issue was "not whether the testator had the ability to manumit his slaves without the consent of the Legislature, but whether he possessed the power to send them to Africa, *there to remain free.*" The concluding sentences of the decision call attention to the fact that though the law "might seem to prohibit emancipation out of as well as within the State by a citizen, yet such construction would be manifestly contrary to the spirit of the law." It further stated:

"The evil was the increase of free negroes by emancipation. The removal of slaves belonging to citizens of the State, and their emancipation in parts beyond her territorial limits was no injury to her.' 'It will not be denied,' say the court, in continuation, 'that the owner might have removed his slaves from this State at any moment and for any purpose he pleased.' And it is laid down as a general rule, to which there is no exception, unless by express statutory provision, 'that the owner of property may, by his will, direct his executors to dispose of it in any way which *he could.*'"²³

In the meantime the executors had agreed that Isaac R. Wade, grandson of the testator, should superintend the plantation and negroes belonging to the estate, purchase the supplies, etc., "and for his services they agreed that he should be allowed the sum of fifteen hundred dollars per annum, if the probate court should approve of the same, and the business of the estate was accordingly conducted by Wade, the executors meeting occasionally, and directing Wade how the business should be carried on."

In 1842 the American Colonization Society filed a bill in the Superior Court of Chancery against the executors to compel the

²³This case is reported in full in 5 *Howard*, pp. 305-362.

execution of the trust and to carry out the provisions of the will, claiming that "no legal or equitable obstacle had existed for two years to prevent the execution of the trusts of the will," that they had "always been ready and willing to accept and appropriate faithfully the proceeds of the real and personal estate as provided for in the will, the object of the Society by their charter being in accordance with the provisions of the will and in furtherance thereof." They also charged that the slaves who were entitled to a choice of being sent to Africa under the will desired to be sent there and had always so desired to be sent and the complainants had "ever been willing to take charge of them for that purpose." The defendants in the suit filed a demurrer "setting up, among other things, a want of jurisdiction," which being disallowed they appealed therefrom to the High Court of Errors and Appeal, claiming that "the case related to a matter purely of administration and cognizable only in the probate court." The High Court of Errors and Appeals held that "the full measure of relief could only be obtained in a court of equity, and therefore the court of chancery had jurisdiction." In the meantime, June, 1844, the Chancellor had ordered "that John S. Chambliss be appointed receiver of the property * * * and the defendants, as executors of said estate, were required to deliver said property to said receiver."²⁴

In 1842 the Legislature of the State passed an act allowing twelve months for the removal of slaves that had been liberated, and declaring the bequests of freedom void if they be not so removed.²⁵ One of the executors, Isaac R. Wade, detained the slaves in the State against their will, and against the will of his co-executors, until the twelve months allowed by the act had expired. Before the expiration of the twelve months, however, the Society "after using every means in its power to comply with the requisitions of the act, without suit, filed a bill, as is related above, to compel the executors to execute the trusts created by the will. It was held "that the acts of the executor constituted such a fraud, that neither he nor any one claiming by virtue of his acts acquired any right; that the fraud of the executor placed him beyond the pale of the act of 1842, and that act did not therefore apply to the case."

²⁴This case is reported in *7 Smedes and Marshall*, pp. 613-698.

²⁵See Hutchinson's *Mississippi Code*, p. 539.

LIFE OF APUSHIMATAHA.

BY DR. GIDEON LINCECUM¹

During the four years, 1822, 23, 24 and 25, I resided in the Chahta country; I became acquainted with the chiefs of the three districts, into which the nation was divided, and quite a number of their leaders, headmen and warriors.

At that time Mushulatubi, Apushimataha and Apukshinubi, were the chiefs of the three districts which had been established long before my acquaintance with that noble people commenced. Each district was subdivided, with but little system, into Iksas, or kindred clans, and each of these Iksas had its leader. All the men seemed to be warriors, and they had their captains and generals, which titles they had learned from the white people, for whom they always professed, and indeed manifested, the greatest friendship. I remember now, though the time has long past, with feelings of unfeigned gratitude the many kindnesses bestowed on me and my little family in 1818 and 1819, while we were in their neighborhood, before the country began

¹"The Autobiography of Gideon Lincecum" will be found in Volume VIII of the *Publications of the Mississippi Historical Society*, pp. 443-519. This contribution is particularly valuable because of the insight which it gives into pioneer life. The same volume also contains another contribution from the pen of Dr. Lincecum entitled "Choctaw Traditions; about Their Settlement in Mississippi and the Origin of Their Mounds." Through the kindness of his daughter, Mrs. S. L. Doren, of Hempstead, Texas, this further contribution from Dr. Lincecum is published for the first time. As is shown by internal evidence his "Life of Apushimataha" was written in the year 1861. Since that time the manuscript has been carefully preserved and is now in well-nigh perfect condition.

The editor of these publications takes pleasure in reproducing in this connection a brief newspaper sketch by Dr. Lincecum, which was published in *The Galveston and Dallas News* several years ago, the exact date being now unknown. This sketch is as follows:

I have always regretted that when the opportunity did exist I had not made myself more familiar with the habits, manners, customs and traditions of the Choctaw Indians, who, at the time of my birth, owned and occupied more than half of the lands in the territory of Mississippi. From my earliest recollection down to 1837-8, when they were removed by the Government to lands set apart for them in what is known as the Reservation, I was brought into intimate relations with them, and contracted a friendship for many individuals which long survived their exodus. They were firm in their attachments, strong in their prejudices and slow to forget or forgive an injury. They would not voluntarily submit to any restraint which would deprive them of entire freedom of action. And

to fill up with other white people. Some of them would visit us almost every day and seemed quite proud that the white people were about to become their neighbors. Until I had raised a crop of corn we procured all our provisions from our Chahta neighbors, on very good terms. I did not then understand their language, but their negroes whom they had purchased from the white people did, and we used them for interpreters in our business transactions. It affords me pleasure now, after the lapse of near half a century, to recall in memory the many happy days and hours I spent in the days of my young manhood in friendly intercourse with that innocent and unsophisticated people. We met often, hunted together, fished together, swam together, and they were positively, and I have no hesitation in declaring it here, the most truthful, most reliable and best people I have ever dwelt with.

While we resided in their country my wife had a very severe spell of fever, that confined her to her bed for several weeks. During her sickness the good, kind-hearted Chahta women would come often, bringing with them their nicely prepared tampulo water for her to drink, and remaining by the sick bed

this sentiment pervaded all ages and conditions of life. The Indian, during several months in the year, made the forest his home, and here, protected by barks, usually taken from the gum and poplar, he dressed the skin of the deer killed in the chase, extracted oil from the fat of the bear, and prepared choice portions of the bear and the deer, either for market or to supply his family with food.

Their knowledge of the stars and of woodcraft was developed to an extraordinary degree, and if they made no progress in the arts and the sciences, they could travel for hundreds of miles with unerring precision, having no other guide than the sun and the stars or some peculiarity in the appearance of the trees, as they faced the north or the south. Many of them understood our language, but they spoke it rarely, and not then from choice. On returning from a hunting excursion, they were fond of relating their adventures; the perils they had encountered and the number of bear and deer they had killed. No interruption occurred, nor was any question asked during the recital, but when the speaker came to a pause and sufficient time had been given for the collection of such little fragments as had been overlooked or forgotten in the recital, then, and not till then, did the conversation become general. They were good talkers and patient listeners, and in this latter trait they might have been imitated with advantage by those who affected a higher order of intellectual culture. But they are fast passing away under the mismanagement of the Government, which has too frequently employed as its agents men who looked more to their own interests than they did to the wards of the nation.

Like the white man the Indian had his superstitions, but he had no written history. Some of his traditions carry us back to ancient Greece,

for hours at a time, would manifest the deep sympathy they felt, by groaning for the afflicted one, all the time of their protracted visit.

The time is long gone, and I may never have the pleasure of meeting with any of that most excellent race of people again. But so long as the life pendulum swings in this old time shattered bosom I shall remember their many kindnesses to me and mine, with sentiments of kindest affection and deepest gratitude, and my prayers for their elevation and progress as a people among the enlightened nations of the earth shall not cease.

I might here record many incidents of thrilling interest that occurred during the time of my familiarity with this noble tribe of aboriginal Americans, but as I set out in this little appendix to note a few facts that came under my observation in regard to the history of their war chiefs and a few of their conspicuous headmen, I must forbear saying more on the minor subjects.

The chiefs of the three districts were elected every four years. All the time I was acquainted with the political action of the nation by re-election the same man held the office of chief. Their elections were conducted *viva voce*, or rather by acclama-

if not the cradle the school of that mythology whose influence is still observable, not only among the heathen, but in the habits and literature of the most enlightened nations. We all know that the gods of the ancients were as numerous as the stars which shine above us, and that in the van of them stood Jupiter Olympus, who, for a god, assumed many strange and, we might add, very undignified characters, and was subject to all the passions and many of the infirmities of humanity. He deserves to be immortal. But for him Troy would not have been destroyed; Achilles would have had no cause of quarrel with Agamemnon; Homer would not have written the Iliad, nor Virgil the Aeneid, and the fame of Pope and Dryden would have been partially eclipsed as translators.

Jupiter was a god of power and gave birth, in a very extraordinary manner, to the impersonation of the highest order of intellect. With a blow of his brazen hatchet, Vulcan cleft the head of Jupiter and Minerva leaped forth in panoply. This is a beautiful allegory, but it is not as grand in its conception as that of the birth of Pushmataha (Son of Thunder), who had neither father nor mother, but directed by the Great Spirit a thunderbolt struck a giant oak, and Pushmataha leaped forth, a young warrior, armed and painted, to go on the warpath. To this day many of the Choctaws adhere to this legend, and though he died in 1824 they still believe that he was only called away by the Great Spirit for consultation, and that when plans for the future prosperity of their country are fully matured he will return and again teach them the arts of peace, or, if necessary, lead them successfully against their enemies.

tion, and managed by the people, the candidates having no hand in it, or any knowledge of who the candidates were, until the name of the chief elect was proclaimed by runners among the Iksas.

Mushulatubi was the principal chief, and he held that title many years, until the Chahtas were removed west of the Mississippi; where he died. He was a handsome man, about six feet in height and quite corpulent. He possessed a lively, cheerful disposition, and as all fat men, was good-natured and would get drunk. He was not much of an orator, and to remedy that deficiency he had selected an orator to speak for him. His name was Aiahokatubi, and, except Apushimataha, he could deliver himself more gracefully and with more ease than any man I ever heard address an audience.

Mushuslatubi was a frequent visitor at my house, while I resided in the nation, for it was in his district I had my house, and but eighteen miles from his residence. He was good company, full of agreeable anecdote and witty, inoffensive repartee, until he became too much intoxicated. Then he was nothing but a drunken Indian.

Mushulatubi was not very wealthy. Having but a moderate stock of cows and horses and five or six negroes. He was, how-

During the Creek war of 1813-14 Pushmataha . . . joined General Jackson with a large number of his warriors and fought with distinction in all the battles of that eventful period—Talladega, Holy Ground and Pensacola—and accompanied General Jackson to New Orleans, where, without being a participant, he witnessed the battle of January 8, 1815. He was a proud man and, holding the commission of colonel from the Government, looked down with sovereign contempt on those of a lower grade. When asked by Captain Jack to join him in a drink he treated the invitation as an insult to his dignity, but immediately afterwards drank with General Claiborne, in whom he recognized a peer.

In 1824 Pushmataha and several other chiefs went to Washington to see the President, and, if possible, to obtain a settlement of the debt due by the Government, originating in the treaty held at Doak's Stand in 1820, and known as the "Net proceeds claim." After three of the chiefs had died the others returned home, without accomplishing anything. Strange as it may appear, this debt was recognized and paid by the Government in 1888, amounting to more than \$1,000,000. If this was a just claim in 1888 it must have been equally so in 1824. I cannot imagine any cause of this long delay of about sixty-five years. And yet, in the face of these acts of bad faith or wanton neglect, people pretend to be astonished that there should be an occasional manifestation of hostility on the part of the Indians. The injuries inflicted on them have frequently been of the most aggravating character, and if now and then they become restive under insult and oppression it should not be a matter of surprise.

ever, certainly rich in his family relations. He had a house full of children and two handsome wives, who, like himself, were healthy and somewhat corpulent. They all dwelt together in the same house, and seemed to be very happy. One of his wives was a quarter white blood and had been, in her young days, quite pretty. He was in the habit, when visited by white people, of pointing out his pretty, fair-skinned wife, and bragging a little. But to an accurate observer it was easily seen that his confidence and his affections rested with the full blooded Chahta wife. She, however, possessed the strongest and best intellect, and to her management of the household affairs the fair-skinned beauty seemed to yield without hesitation.

Mushulatubi resided on the military road, which, previous to the advent of steamboats on the Mississippi River, was the great thoroughfare upon which returned the hosts of flatboat men from Ohio, Kentucky, Tennessee and Indiana. They were mostly footmen, who, after disposing of their cargo of produce at New Orleans, came up through the Chahta country on their way to their respective States. I have often heard those weary footmen while passing my house—I also resided on the military road—speaking of the friendly demeanor and the kind hospitality they had received at the house of Mushulatubi.

While in Washington Pushmataha was frequently the guest of the President and other Government officials. He had also the pleasure of meeting Lafayette, to whom he made a brief but very eloquent address, the closing paragraph shadowing forth a prophecy which was fulfilled before the close of the year, being: "We heard your name in our distant wigwams. I longed to see one who had come a long way to assist our friends of the white race when they were a small people. I have seen and shaken you by the hand. This is our last meeting on earth. Soon the great ocean will divide us. We shall see each other no more till we meet in the happy hunting ground."

Big dinners and champagne were too much for a constitution that had imbibed so freely of whisky, not always of the best quality. He could digest 'possum and rabbit on the waters of Bucatunna, the place where weaving is done, but the highly seasoned dishes served at the Presidential mansion brought on a complication of diseases that resulted in his death on the night of the 23d of December, 1824. A niece of David Folsom, one of the chiefs who accompanied the delegation to Washington, in the character of "interpreter and treasurer," sent me a copy of a letter written by her uncle on the 24th and 25th of December, 1824, giving a highly interesting narrative of the last sickness, death and burial of Pushmataha, from which I shall make some extracts.

"I take up my pen to inform you that Chief Pushmataha is no more. He died last night, about 12 o'clock. He has complained ever since he came here with sore throat. But when he indulged moderately in strong

It sometimes happened that the Ohio traveler would waylay and rob the Kentuckians and Tennesseans within the limits of Mushulatubi's district. On hearing of the robbery he would raise his warriors, rush out in pursuit and never fail to arrest and bring the culprit to Columbus.

Apuckshinubi, who was chief of the district westerly from Mushulatubi's district, was a very different man. He was a large man, tall and bony, had a down look and was of the religious or superstitious cast of mind. He was, by the people of his district, called a good man, and it was said that he was a man of deep thought and that he was quite intellectual. His studiously maintained taciturnity however concealed from my observation that portion of his attributes. But I did not see him often, and my opportunities for making observations in detail on the characteristic traits of the big old ugly chief were not sufficient to enable me to speak decidedly as to the truth or falsehood of his reporters. The people of his district kept him long in the office of chief, and notwithstanding his grum looks and taciturn demeanor, I feel willing to leave him where rumor placed him, an intelligent, good man and a brave, daring warrior. I know nothing of his domestic relations and cannot say whether his couch was or not blessed with one, or a plurality of wives.

drink he felt better. But his drink was great. He was always worse after the big dinners he attended. I finally concluded that he would never return home. But he continued to expose himself, until finally, about 9 o'clock on the morning of the 23d, he fell on the street and was conveyed to his room, where he was attended by two physicians, but without effect. Many friends and strangers called to see him, among others General Jackson, to whom his last words were addressed: 'When I am dead let the big guns be fired over me.'

"We were at a loss how to proceed with his burial, but the Government took charge of it. He was buried with the honors of war. Several military companies turned out, as well as the marines from the navy yard and two bands of music. It was a great procession. We took the body of our departed chief in the presence of several thousand people. We marched in company of and in the way of those people to the burial ground. He was laid in the grave. The minister prayed for us. When it was over he was covered with cold clay, and we left him in the midst of many hundred people. I assure you, my dear friend, I am thankful there was so much honor paid to our departed chief. Many Congressmen, as well as General Jackson, treated us with great kindness. I can truly say that we have received every mark of friendship and brotherly love from the white people since we have been among them. We are still here doing nothing; that is, we have as yet done nothing, nor do I think there is any chance for succeeding in the business that brought us to this city. I regret to say that I cannot be useful to the delegation, because

The great man of the nation and of the age was the far famed Apushimataha. He was about five feet ten inches in height, stood very erect, full chest, square, broad shoulders and fine front and elevated top head. His mouth was very large, lips rather thick, eyes and nose very good, projecting brow, and cheek bones very prominent. He lacked a great deal of being what the world calls handsome. But he had that inexplicable attribute about him which belongs only to the truly great, that which forced the ejaculation, "who is that?" from all observant strangers. He died at Washington City in December, 1824 (I speak from recollection), and at his own special request was buried with the honors of war. It was the express opinion of his friends at home when they heard of the respect and distinguished honors manifested by the white people at the funeral of their deceased warrior chief, that his satisfied "shilombish" had passed away to the good hunting ground without looking back.

I passed his house soon after the news of his decease had reached the nation; great numbers of families had collected there; had set up and ornamented many poles and were holding a great "cry" for their much loved chief. Though he had no

they will have their own way, and will not have an ear for such a poor person as I am. While I act very independently before them, I treat them with affectionate kindness. It will be a wonder to me if all the delegates return home. Pushmataha was conscious up to the moment of dissolution, and occasionally conversed with the friends in attendance. As you go home you will see beautiful flowers and hear the birds singing in the trees—but Pushmataha will see and hear them no more. When you go to our people they will ask, where is Pushmataha? and you will answer, 'He is no more.' They will hear it as the fall of a mighty oak of a still day in the midst of the forest."

Many years ago I visited the congressional burying ground to pay my respects to the greatest chief of the Choctaw Nation. A modest monument, erected by the chiefs, marks his resting place, on which is inscribed his last words: "When I am dead let the big guns be fired over me." If, as Paul says, "They that have not the law are a law unto themselves," then will the heaven of the Indian be as bright and beautiful as the paradise of Mahomet, and none will enter therein more worthy of Divine favor than Pushmataha.

Regardless of the legends, the Pushmataha of history was born in 1764, on the east bank of the Noxubee River, two miles above Macon, on what was known in after years as the Howard plantation. Near the place of his birth there stood, and may stand at this day, a large black oak, which was held in reverence by his people as marking the place of his birth. The little log cabin in which he first saw the light has long since disappeared, but the traditional location has been faithfully pre-

blood kin that any one knew of, nearly all the people of his district claimed him as a relative, consequently there were many poles set up at the "cry" they were celebrating for him.

Apushimataha was chief of the district lying south of Mushulatubi's, and he had lived a long way from where I resided. I was never at his place until after his death. But he visited Mushulatubi's district two or three times a year, and while in that region he seldom failed to pay me a visit, and remained with me sometimes as much as two or three weeks.

I may not be a proper judge of such matters, but really I always looked upon him as possessing the strongest and best balanced intellect of any man I had ever heard speak. I think so yet, although forty years of great men and their written thoughts have passed between that period and the present Sunday night. At their national councils quite a number of white men would attend, and I have seen them, when Apushimataha was the speaker, chained to their seats for hours at a time, although they understood not a word of his language. Such was the force of his attitude and expressive gesticulation. His figures and elucidations were sublime beyond comparison. I never shall forget the impression that he made and the change that he produced by one short speech, upon the minds of quite

served by the Indians who now inhabit that part of Mississippi. It is their Mecca. Like many other great men, he acquired no distinction from his birth, and would have said with Iphicrates, "I am not only the son of my own actions, but the first of my family that achieved anything worthy of finding a place in history." He was not the only great man that could make this arrogant boast, and yet he was greater than many who have realized fame and fortune, by means more equivocal than any that marked his career.

He early distinguished himself both as a hunter and warrior, and at an early age, when few aspired to the dignity, was appointed one of the principal chiefs, which position he maintained till his death, in 1824. He was always the friend of the white man, and when Tecumseh visited the south in 1811, with a view to uniting the Indians north and south against our people, he indignantly spurned the proposition, telling him that while temporary success might be obtained at one point, disasters that would more than counterbalance them would be experienced in other quarters. Besides, the Creeks, who joined the league, were his hereditary enemies. While he was very young the Creeks made an unexpected raid among the Choctaws, during which his father and mother were killed. At a subsequent period, when he had acquired fame as a warrior, a party of Creeks who were on a marauding expedition plundered his house and then set it on fire. This was an indignity which a Choctaw chief could not submit to. He immediately called together thirty of his young men, followed the marauders, overtook and killed the entire party.

a crowd of reckless boatmen and other rowdy associates, at a council that was held under a grove of shady oaks near where I lived in the nation.

I had a man by the name of Luther Parker, a yankee, hired, and not having sufficient confidence in him to permit him to sleep in the storehouse, I had attached a little room to the outside of it, where he slept, for the double purpose of guarding the store and being convenient to the ferry, which he kept for me. I had furnished him with a large musket pistol, which he kept over the door of his little bedroom. After he had been there long enough to obtain a smattering of the Chahta language he got in the habit of sitting up of nights, with the Indians, who were nearly always camped around my place, for the purpose of drinking with them. One night we heard a loud gun down at the store, and very soon the Indians were observed to be rapidly running off from the place. While they were running along the road and passing the dwelling house, a Chickasaw woman, who happened to be there, came to the window and told me that Louie—as the Indians called my ferryman—had got drunk, had been trying to sell a pistol which he said he had in his little house, to Atoba, who was the brother to the chief Mushulatubi. Atoba was also drunk, and said he did not want

Not satisfied with this summary punishment, he made a raid into the country of the Creeks and brought away much booty and many scalps. His subsequent career forms part of the history of the south. He held the commission of colonel in the United States Army and served with distinction down to the capture of Pensacola, though he was not discharged from service until January 27, 1815. I have a report from the War Department to that effect.

Though distinguished as a warrior, he gained, if possible, higher honors as a statesman, orator and diplomatist. In all the treaties entered into with the United States he was the leader, and showed, by his consummate skill, that he was worthy the confidence of his people. One of my correspondents in the Indian Territory says that in "eloquence he was the peer of Daniel Webster." This may be just praise, as he had been a student of nature, and from her vast storehouse enriched his discourses by drawing liberally and with an artist's imagination those beautiful images with which all his speeches, and even his ordinary conversation, so frequently abounded. When the United States asked the privilege of opening a road from Nashville to Natchez for the transportation of the mails and for ordinary travel, the privilege was unhesitatingly granted, but it was coupled with the condition that all the public houses, way stations and ferries should be held by the Indians. No white man could trade among them without having first obtained a license, for which he had to pay a stipulated sum. This was one of Pushmataha's favorite measures.

to buy a pistol, but the drunken Louie would have him to go and look at it, and when they came together, talking about the pistol, Louie went in and presently handed the pistol to Atoba, who was standing in the bright moonshine, outside of the house, and at the instant that Atoba took hold of the handle of the pistol it exploded and instantly killed the white man Louie. On being asked why, if it was an accident, they were all running so, she replied, "Because they are all frightened at the thought of having killed one of your family."

I went immediately down to the store and found the young man lying with his feet at the door and dead, as the Chickasa woman had said. On further examination I discovered that the contents of the pistol had lodged in his neck, which was broken. Having no other white man about me, and the Indians being all gone, I seated myself on a barrel near the door to wait for the morning. About two hours before day two Indian men came to me and wanted some powder and a ball to fit the pistol. They said Atoba had sent them for it, and that he intended to die at 12 o'clock the ensuing day, by the same pistol with which he had in his drunkenness accidentally killed his white friend. If it was really an accident, I inquired, why will he have himself shot? They replied, life for life is the law,

But with all his excellent qualities there mingled some vices, which, being too freely indulged, carried him prematurely to the grave. He was an inveterate drunkard, a habit which he indulged to such an excess that it could only be repressed when business of importance claimed his attention. Accompanied by his friend Piamento, one of the minor chiefs, they would go to Memphis, and taking up their quarters at Fort Pickering, then in charge of a few United States soldiers, they would sally out, and, in the language of an old resident of that place, for several days "paint the town red."

In July, 1823, he went to see the Indian agent, W. Ward, a distance of eighty miles. On the 4th Major Pitchlynn gave a dinner party, to which Pushmataha was invited, and as usual drank a good deal of whisky. In the evening, when he started home, Mr. Ward discovered that he had no horse, and suggested to the Major that one should be presented to him. The gift was made, coupled with the condition that he should not sell him for liquor. Some months later he again appeared at the agency, but on foot as usual. When reproached by the Major for violating his pledge he very naively replied: "Yes, I did promise you, in the presence of others, that I would not sell him for liquors, but I made no promise not to bet him off on a game of ball." He often staked all he possessed on a game of ball, sometimes without success, though he might have been a match for some of the best players at Audubon Park.

In reply to an inquiry one of my correspondents in the Indian Territory writes: "The great chief was of medium height, but portly. Much strong

and accidents are not provided for. When I asked who is to do the shooting? one of the men promptly replied, "that honor falls to my lot." I did not furnish them with the ammunition and they hastened away, telling me that they knew where they could procure it, that Atoba was a man and a warrior, not afraid to die, and that I should hear that he did die at the time appointed.

Morning came, and seeing some men who had slept on their boats at the river, I called to them; they came, and while we were washing and shrouding the dead man the two Indians came again and informed me that Atoba had succeeded in procuring powder and lead; that they had hammered out a ball to fit the pistol and that Atoba would die at the middle of the day. They desired me to be satisfied, for he would be sure to die at that time, and they galloped immediately away, not giving me time to reply.

When I told the boatmen what the Indians said they seemed to be highly delighted, and they sent one of their number over to the other town to tell the other boatmen and the town people to come over and witness the pleasing affair. By 10 o'clock quite a number of white people had crossed the river and were streaming along the road to the place of the expected execution.

Atoba had his spies out, and when they informed him of the great number of white people that were pressing forward, manifesting so much eagerness to witness his misfortune, he sent a man to tell me that so many of the white people had crossed the river and were hurrying forward to see him die and to laugh at his sorrowful condition, he had concluded to die at another place, and for me not to be uneasy, that he was not trying to

drink had bloated his face, but his eyes never lost their brilliancy. Even towards the close of life no one could listen to his speeches without being impressed with his eloquence. He had a fine command of language, a musical voice, and every gesture was appropriate to the subject." In his last interview with the President he had intended to make a long speech, giving his views of the relations between the two countries and mapping out the policy which each should respectively pursue, but he was too unwell to proceed. All he could say was: "I can say, and speak the truth, that neither I nor my father nor any of my ancestors ever drew bow in anger against the people of the United States. We have been true in our friendship; we have held your hand so long that our fingers, like the claw of an eagle, will not let them go. Another will address you; I am too unwell to proceed." In less than forty-eight hours the great chief had entered the "happy hunting ground." Peace to his memory.

evade or escape from justice. He had forfeited his right to live, and that he would be certain to die as soon as he could get far enough from the white people to prevent them from the pleasing gratification they expected to enjoy on seeing it. And so when they came to the place they were greatly mortified to find that Atoba was not there. They returned, cursing and foaming, and swearing that they would kill every Indian in the nation, and they went over to Columbus to arm and prepare themselves for the slaughter.

All this time I was busily engaged with the dead. They had all turned to warriors and had left me to make arrangements for the funeral as best I could alone.

Soon again the boatmen and such loose characters as they could find about the liquor shops returned, all armed and equipped for the Indian campaign. While I was carrying the dead man over the river to the Columbus graveyard, the army, numbering about fifty men, all half drunk, were passing the river the other way, champing and gnashing their teeth for blood. They marched hurriedly onward, uttering the fierce, horrid yelp of the frantic inebriate and continuing their course to the prairie, about three miles off, where a number of women and children were at that time picking strawberries. On hearing the terrible hooting and yelping of the drunken host the women and their little ones took fright and fled to the thick forests. The double sighted, cross-eyed braves of the furious army caught a glimpse as they fled of the multitudinous maneuvering warriors of the Chahta forces, and, firing off a few of their guns, beat a retreat. They returned, flushed with their success, the same evening, and crossing back to town, drank and sang war songs through the night. So ended the only war ever waged by the American people against the Chahtas.

I had sent Atoba word not to die until I could get time to see him. I had, by the time the corpse was ready for the funeral, seen and talked with several of the women who were present when the accident occurred, and finding clearly that there was no intention on the part of Atoba of killing the man, I was desirous of saving the unfortunate Indian if I could. And for that reason I had sent him word to suspend the dying until I could see him. Accordingly on the next morning after the

termination of the war I received a message, before sunup, instructing me to go down the military road about half a mile, to a large black pine stump and remain there until a signal should be given. I had been at the stump but a short time when the signal for me to turn square off into the thick woods was given. I had not progressed in the tangled thicket exceeding 100 yards until I came in sight of Atoba, who was sitting on a log, in company with six other Indians, all armed with rifles and scalping knives. As soon as the unfortunate Atoba discovered my approach, he rose from his seat on the log and advanced to meet me, holding the pistol in his hand. When he came near he presented the pistol, breach foremost, and said, "This is the little gun, with which, in my drunkenness, I unfortunately destroyed the life of your man Louie. It is right that I should die for him. Life for life is the law. His unhappy *shilombish* will not be satisfied, nor can it pass to the good hunting ground until I atone with my life for destroying his. I am a man and a warrior, and can die without fear. I am not alive now because I am afraid to die, but because, for reasons of your own, you sent word for me not to die until you could see me. I have obeyed your voice, and have remained until now. You have seen me and I am ready to die. It was your man that I have killed. You are now the avenger. For, inasmuch as you prevented me from dying at the time I had myself appointed, and my friend who was to have performed the last and greatest act of kindness for me has gone away, it devolves on you to do the shooting or appoint some other brave man with a strong heart and steady hand to do it for you. Take the pistol, I am now ready."

I received the pistol and told him to give up his notions about the necessity of dying. I further told him that I had seen and conversed with several persons who were present when the man was killed, from whom I had ascertained that the firing of the pistol was purely accidental, and that I knew of a better way to dispose of the case than for me or any one else to shoot him; that we would go to the United States interpreter and make a paper that would be satisfactory to everybody on the subject. He agreed that such a paper might be made, and that it might relieve and satisfy the minds of the living, but he had done nothing to them, and, besides, it was not the living with whom he

had to deal. It was to the wandering, unsatisfied *Shilup* of the man that had been killed, that he was to make atonement, and no paper that could be made would answer that purpose. But he would go with me to John Pitchlynn's, United States interpreter, for he, having been raised among the Chahtas from his infancy, was familiar with all their laws and customs, the most particular and best of which was "life for life," would soon explain it to me, and show me that there is no chance for an honorable escape from death in a case like his. From where we then were to John Pitchlynn's was eight miles over a rough woodland country, and the weather was quite warm. We had no horses, I, however, did not return home, but set out on foot with them; we found Pitchlynn at home and had quite a council of it. There were three or four steady old Indians at Pitchlynn's when we arrived, who joined the seven I had with me in the argument that ensued against the United States interpreter and myself, and it was not until we had read from the journal of the Mississippi Legislature that Chahtas had been incorporated as citizens of the State, and that if he got any one to shoot him, whether red or white man, it would lay the shooter liable to trial for murder and that he would be hung for it. After much discussion the Chahtas reluctantly gave up the point on condition that the papers should be so worded as to allow Atoba, in case he should be condemned at the trial before a court of white men, the privilege of being shot, in place of being "weighed" like a dog. They called hanging a man "weighing" him.

I drew up an ordinary appearance bond, with a penalty of \$6,000, including the condition, that if condemned at trial, that he should not be "weighed." And also, that the court should consist of five justices of the peace and, at his special request, that the decision of the court of five magistrates in his case should be final. He also required, for the purpose of giving him time to pay his debts, and settling up his business, that the trial be put off thirty days; at which time he would be ready to meet the white judges at any place *in* the Chahta country I might see proper to designate. So I finished up the bond, delaying the trial one month; to take place at the before mentioned grove of oaks, two miles from where the accident occurred.

Atoba signed it, with John Pitchlynn and several of the Indians who were present for securities.

I had been gone all day; and when I returned at night, I went over to town, and found the whole people laboring under great excitement. There were at that time not exceeding five hundred men in fifty miles around Columbus able to bear arms. Rumor had already in the field an army of a thousand Indians, which was hourly increasing. All could see, now that it was too late, that by permitting the drunken boatmen, and their grog-shop associates, to go over the river the day before, had been bad management; that the Indians had been imprudently and unnecessarily insulted; that in the weak and sparsely settled condition of the country, it would be an easy matter for the Chahtas to raise a sufficient force to cross the river and scalp every man, woman and child in three days. The people were greatly alarmed, and though there was no real ground for it, besides the stories the boatmen had told on their return about the thousands of Indians they had seen and shot at in the prairie, the account had been bandied from mouth to mouth until it had grown into frightful dimensions. Some were talking of gathering up some of their available things, and getting away from the dangerous country as soon as possible. Others were urging the necessity of arming and meeting the Indians in battle. They were hooted at. All were seriously alarmed and no plan that could be offered seemed to suit the emergency.

The chief, Mushulatubi, who had heard that my wife had become frightened at my absence, not knowing what had become of me, and the terrible scalping stories that had been sent over to her, had gone over to town, got some awkward pensman amongst his workmen to write her a letter, telling her not to be frightened, that let what would happen, no Chahta was base enough to injure her, or anything belonging to her. This badly indicted letter was passed from hand to hand and interpreted into as many meanings. All agreed however that it was an ominous letter and meant a great deal; that it contained concealed intimations and they were certain that it was in some way connected with my unaccountable absence. Plain enough. And as soon as I should come back, if I ever did, I must give a

satisfactory explanation, or—they did not say what they would do with me.

In the height of this panic and great trepidation I made my appearance. I could not imagine what was the matter with the people. I was instantly surrounded, and was asked a thousand questions in a minute. Where have you been? What have you been after? How many Indians are embodied over the river, etc., etc., until in my amazement, I told them all to go to —somewhere.

As soon as I could disenthral myself from the eagerly inquiring crowd, I went to the magistrate's office, told him what I had done, and delivered the bond I had taken from Atoba, for his appearance at the time specified in the bond. After he had examined it he said it was satisfactory; and a good deal better way than to arrest him and hold him in prison until the next court. Nevertheless, some of the knowing ones after the subsidence of the panic, mouthed a good deal about the manner in which the thing had been conducted, and accused their magistrate of having been bribed.

Time passed quickly, and the day for the trial came. As early as ten A. M. the white people from Columbus had collected at the oak grove in great numbers. It was a beautiful day; the people were lounging in various groups under the shady oaks, seeming to be quite agreeably situated. Having plenty of good water near by, there was nothing to mar the good feelings inspired by the pleasant grove and fine day, except the presence of forty head of marauding, half-intoxicated boatmen and their drunken associates. They had their bottles hidden out, and they were "browsing" about in the surrounding thickets like so many brutes, as they were.

The balance of the assembly was civil enough, but no Indians had arrived yet, and the white people were becoming restless. It was in vain that they were told that the hour specified in the bond was twelve o'clock and that it lacked over an hour of that time. They sneeringly replied that it was a sell, and good enough, as they might have had better sense than to think that Atoba, or any one else, would be fool enough to make his appearance, after being set at liberty in the foolish manner he had and for such a crime.

Fifteen minutes of twelve, and no sign of Indians yet. The crowd had become painfully impatient. Some of them were talking about starting back to town and swearing that they never had been so completely entrapped in all their lives. Some were hungry, and others wanted their customary "horn of brandy." They were in a woeful fix. But twelve o'clock would come in spite of their doubts and impatience; and with the meridian sun, the prisoner, accompanied by about three hundred other Indians, all mounted and well armed. Among them were the three chiefs of the nation. They made their approach in single file, observing good order. It was a long string of warriors, making quite a formidable appearance. Atoba was not armed, and he occupied a position near the center of the line; and he looked ashamed and not dissatisfied. They came briskly up right into the grove of oaks, all amongst the scattered groups of unarmed white men.

I looked around on the then silenced assembly; the vociferous clamor about the faithless Indians biting hunger and want of liquor was all hushed. And I thought I saw a good many pale faces.

The Indians, however, broke ranks, went to the bushes and little trees that skirted the grove, and, after hitching their horses, set their guns against the trees and in their usually friendly manner mixed into the crowd of white people, shaking hands with all they met; and at the same time ejaculating their various terms used by them, at their friendly greeting. And then the white folks began to smile too.

A table and some benches had been provided and there were seated around the table five justices of the peace, and as many lawyers. Among the lawyers was the venerable William Cocke. Atoba came and took his seat as near to the table as he could get, and said "I am here."

The court organized, and the examination of the case commenced.

The chiefs, Mushulatubi, Apukshinubi and Apushimataha, were invited to take seats among the magistrates, which they did, and seemed to be pleased at it, and to regard it as a proper token of respect. The examination of the witnesses then followed. There were about twenty-five witnesses, mostly women.

I was one, and was called and qualified first. My testimony was the same as I have already stated while describing the circumstances connected with the killing and need not be repeated. The next witness was a Chickasa woman. She manifested signs of considerable embarrassment, but when the nature and penalty of the oath had been explained to her she "blowed the book," and in good style delivered herself, word for word, as she had told me at the window, the same night the man was killed. The balance of the female witnesses, about fifteen, who were seated on a stock of hewn timber near the store at the time the accident occurred, were sworn, one at a time, and they repeated what the Chickasa woman had testified to almost *verbatim*. All the testimony went to show very clearly that the killing was accidental, and that Atoba was not only innocent, but that he was particularly friendly to the man he had in his drunkenness unfortunately killed.

As soon as the boatmen and rowdies who were on the council grounds discovered that no criminality could be established against Atoba and that he would be acquitted, they collected in squads about and were trying to get up an excitement for the purpose of mobbing the Indians, and perhaps the council of majesty and lawyers "into the bargain." Some Chahtas who understood English overheard their plottings and went and informed Apushimataha of it. Apushimataha, who had satisfied himself that the trial was conducted fairly, had left the table, and when the Indian that brought the news of the contemplated riot came to him he was seated a little way off from the crowd, on the fence. After hearing what the Indians had to say about the plot he滑ed down from the fence, went directly to the council, took up a book, and stamping it on the table, said:

"It is to you, my white brothers, that I wish to address myself this fair day. I had kept my seat among the wise and good men who were conducting the investigation of my friend Atoba's case until I satisfied myself that the trial is a fair one; and I had, as there was no further use for my presence, gone off a little way, and was seated in a pleasant place, amusing myself with the contemplation of the magnitude of the government and wonderful greatness of the American people, when one of my own countrymen came and informed me that a number of white men, now present (for when Apushimataha went to the table they had gathered around to hear him speak), who have no families or anything else that is valuable in the country to detain them when they are guilty of an outrage, are counseling among one another; and their aim is to break up

the peace and friendly intercourse that has always obtained between the Chahtas and the American white people. It must be prevented. It will be put a stop to—”

At this point the venerable William Cocke, who was familiarly acquainted with the speaker, interrupted him and remarked, “Brother Push, you speak too bold and plain; it might occasion the spilling of blood.” Apushimataha listened, but made no reply at that time. He, however, continued and said:

“I would have you, my white brothers, to understand that I have visited the big white house where our father, the President, resides; and locking my five fingers with his five fingers we made a treaty of peace, in the presence of that Being under the shadow of whose far spreading wings we all exist, whose strong arm extends through all orders of the animal creation and down into the lowest grass and herbs in the forest. It was in the presence of this *shilombish*—spirit—that we made our peace, swept our paths clean, made them white; and on my part, and I speak for the entire Chahta people, there has been no track made in them. If, after a fair investigation, this unfortunate man, Atoba, shall be found guilty, we will give him up, cheerfully submit him to his destiny. We came here determined to do that. But on the other hand, if he is not found guilty, we shall sustain him like men, and we will do it at all hazards. I here frankly confess that I feel no misgivings in relation to the wise and very respectable gentlemen who are managing the trial. I know them all personally; I am satisfied with them, and shall yield to their decision in the case. But it is to the reckless, loose crowd of irresponsible men to whom I have made allusion; men who are here to-day and there to-morrow; men who care no more for the white man than he does for the red man, and who would be willing to sacrifice both for a frolic with a big jug of whisky. These are the kind of men I speak of. They are here close by; they hear my voice now; and when they have matured their plot and make the attempt to put it into action, if the officers of this well conducted council desire that it shall be suppressed, and are not in sufficient force to accomplish it, let them call on me and I will instantly bring to their aid at a single whoop all the Chahtas who are on the ground. If the court do not see fit to call the red people to their assistance, and suffer a riot to occur here to-day, I shall take it upon myself to assume the responsibility in suppressing any outrage that may be attempted in this Chahta grove of red oaks, either while the council holds its session or after they have adjourned.”

Then turning to the venerable Judge Cocke, he said, “Konka nokni sipokni” (old chicken cock, the name he was known by among the Chahtas), “Speak not to me of blood. I was raised in blood.” He then very quietly seated himself on the bench near the old judge.

The above speech was interpreted into English by John Pitchlynn, who had been United States interpreter for the Chahta nation ever since the Hopewell treaty. The rowdy boatmen were all jammed up as near as they could get, and heard every word, for Pitchlynn rendered it in good English,

and spoke quite loud and distinct. Apushimataha's manner and the bold tone of his voice while speaking had subdued their malicious intentions and they were all perfectly dumb. They looked at each other and said nothing, but when they turned their eyes, which had been riveted upon Apushimataha while he was delivering his little speech, and discovered that the Indians' guns, which had been all day leaning against the trees, were all gone, they became alarmed, and as it was getting late in the day, they excused themselves and departed for Columbus.

The examination of the testimony was concluded, and after some short speeches by two or three of the lawyers, Atoba was acquitted. But he was not satisfied, and in the course of a month he was found drowned in the river.

With all his greatness, no one knew or could tell anything about the origin or parentage of Apushimataha. And this was a secret of which he seemed to be very proud. I made efforts often, among the people of his district when they came about me, trying to find some scraps of items in relation to the history of his early life. It was an entire failure. I saw no one that knew anything about him until he was about eighteen or nineteen years of age. John Pitchlynn, who was a few years older than Apushimataha, was raised in the nation from his fourth year. He was as ignorant of the early history of the great chief as everybody else, although he had, and he told me of it himself, sought long and in various ways to unriddle the perplexing secret.

The first notice of Apushimataha that anybody could tell was in a hunting party. It was a bear hunt. And when the party had camped the first night on their journey to the hunting ground, it was observed that there was a lean, meager-looking lad in the camps that seemed to be a stranger. There were no remarks made about it, for the hunting party was quite large, numbering over a hundred men, and had it not been for his peculiar lean and rather haggard appearance he perhaps would not have attracted attention at all, for in so large a company it was to be expected that there would be some strangers. It was, however, after a day or two, discovered that the lad was unknown to the whole party, and was becoming the subject of inquiry throughout the camps. Who is the bony, badly-clad

stripling? was in everybody's mouth. No one knew who he was or where he came from. To ask a stranger for his name is great impoliteness in Chahta etiquette; and now the strange lad had created so much curiosity amongst them that they could no longer contain themselves, and so they put it upon the oldest man to go and have a talk with him and find out from whence he came and his name. When the man came back to his comrades from the talk he held with the young man he reported that when he asked him from what land he came he replied, "luma" (obscure, hidden), and to the inquiry for his name he answered, "hohchifoiksho" (nameless). These answers only served to excite a greater degree of curiosity; but as he was deporting himself very civilly and was quietly bearing his part in the duties about the camps of nights they did not feel warranted in pushing the inquiry further, and so contented themselves by calling him by the name he had given, "Hohchifiolsho," until some circumstance should turn up that would unfold the mystery or enable them to give him an appropriate name.

They at length reached the country they had designated for the winter's hunt; the weather was fine, the hunters all hungry; and they did not stop to prepare camps, but concluded to go immediately into the hunt for the purpose of procuring some fresh bear meat to begin with. In those days there were but few guns among the Chahtas, and at least half the party in the present hunt were armed with bow and arrows. The nameless lad from the obscure country had a good knife and bow and arrows only. But it was observed that his arrows were of the very best pattern and his bow was a strong one. The wonder was how he could manage to shoot such a bow, and when they were about to leave the camps, going to the hunt, they signified to the bony young man that he would do better to remain in camps, as he seemed not to be in good health, and as the hunt would continue three or four moons, he would have plenty of hunting opportunities after he got well. He told them calmly, but firmly, that he came to hunt and not to keep camp. They said no more, but all went off into the bear hunt. It was early morning when they started and they had a hard day's hunt of it. They killed a good many bears, and had, when they brought into camp their rich supply of fat meat at night, many incidents,

some dangerous and some funny, that had occurred during the day, all highly interesting to the bear hunter. There were a few instances of very narrow escape from being crushed by a terrible hug and from being chewed to pieces by the irresistible teeth of the wounded bears. But the most daring feat that took place in that day's hunt was perpetrated by the nameless lad, and it was said and oft repeated, while they were regaling themselves with their greasy supper, that he had made the most wonderful escape. He told them that what he had done that day was nothing in comparison to what he could and would perform before they got through with the hunt. The other hunters hearing what he said he would do before the hunt was over said "that's good, and he is now entitled to a name by which we can hereafter call him. He shall bear the name of 'Ishtilauata'" (to brag or boast). And so they called him this until he procured a higher title by subsequent daring.

Sure enough "Ishtilauata," as they now called the nameless lad, performed the most daring and seemingly reckless feats of any of the men in the hunt. It occurred not once in a while, but every day; and he killed and preserved a greater amount of meat and more skins than any one hunter, even the most experienced among them.

The winter's hunt turned out to be a successful one, and spring returning brought the time for packing their dry meats and pelfry to their distant homes. A party of the hunters numbering about forty warriors, who were desirous of having something to talk about when they got home, concluded to cross the Mississippi, for it was in the extensive canebrake bottoms of that great river that they had made their hunt, and pay a visit to the Ovashashi nation for the purpose of taking a few scalps so as to have a war dance when they returned to their own nation. When the leader "beat up" for volunteers to constitute the war party Ishtilauata was the first that stepped out. A good many of those who did not intend to join the war party seeing "brag" the first one to respond to the call of the leader, burst into an uproarious laugh and prophesied that the expedition would turn out unsuccessful. "Brag" cast contemptuous looks at them but made no remarks.

The party was soon made up, and while they were making arrangements with those who remained behind to get their meat home Ishtilauata went to some of the hunters who were rather old and who had not been very successful in the hunt and gave them his hunt, meat, skins and all, telling them at the same time that he had no home or relatives of any kind, and if they would divide his hunt equally amongst them they should be welcome to it. They were greatly pleased with the unexpected liberality of the young hunter, and for the great favor expressed many thanks.

The party were soon ready and made a cheerful start on their perilous enterprise. They crossed the Mississippi on dry cane rafts and pursued their journey for many days. Coming at length to the great prairies where roamed the Ovashsashi people, the leader halted and, concealing the party in a dense hammock of timber and thick undergrowth, sent out one or two spies to ascertain if any camps were in the vicinity and also, if they found no encampment, to notice and select a good hiding place further on, and they would cross the prairies to it by night.

After two days the spies returned and reported that they had discovered no encampments or any fresh signs. On a river about half a day's travel, right ahead, there was a very good place for concealment and a chance to procure some provisions about the river and its thick bottoms. They set out across the prairie as soon as it was dark, and reaching the river bottom some time before day concealed themselves securely, remaining there all the next day. In the meantime, however, they had sent spies with instructions not to go very far, but to make a very close examination for signs, and as they were now in the enemy's country, they must be exceedingly cautious and not make any signs themselves. The Ovashsashis, said the leader, are a wonderfully sagacious people, and would notice the slightest signs. They know the natural position of every leaf and blade of grass, and fail not, when they discover a blade of grass or leaf of the trees turned in an unnatural position, or a stick that had been moved from its bed since the last rain, to stop and examine it until they had satisfied themselves how it had happened to be so placed. Therefore, the spies were charged to leave no signs on the line of their travel of any kind. For

should the presence of the Chahtas war party be discovered by that kind of carelessness the consequence would be disastrous, and for it there would be no remedy or possibility of escape.

When the spies came into camp they reported that they had discovered a considerable party on the plains, whom they had at first supposed to be a war party. They had, however, trailed them all day, and found at night that they went to their camps, and then they discovered by the scaffolds of meat and women and children at the camp that they were a hunting party. They could not venture near enough to ascertain any thing in regard to their numbers, but it was a large encampment, and they entertained the opinion that they were quite numerous. The leader of the Chahta party then held a war talk, at which it was decided to make a night attack on their camps. The programme of the attack was to approach the camp from three sides of it and if the party should be too strong for them and force them to retreat the Chahta warriors must disperse and, scattering in all directions, reassemble at the place of concealment on the river as soon as possible.

They arrived in sight of the Ovashsashi camp fires about midnight, and dividing themselves into three parties, approached the camp from three directions, as had been previously arranged, and by a preconcerted signal the onset commenced a little after midnight. Soon the uproar was very great. The Chahta warriors silenced a great many of them, but their numbers were so great that as soon as they had recovered themselves a little they rallied rapidly to a signal whoop that was made a little off to one side of the camp. Seeing that they were an overpowering host of warriors the Chahtas discharged a volley of arrows and what guns they had amongst the gathering Ovashsashis, and hastily scattered themselves over the plains, every man taking his own direction.

By the middle of the next night the entire party had reached the hiding place except the young man that they called "Brag." The conclusion was that he had been scalped at the camp, or had exposed himself and had been overtaken by a war party during the day. They lay close all the next day, only peeping out occasionally from the borders of the thick brush that concealed and protected them from the ferocious and highly excited warriors.

of the Ovashsashi people. Notwithstanding the fact that the Chahtas had slain quite a number of the camp of the Ovashsashis, on account of their hasty and precipitate retreat, they had taken but one scalp. They had not time to take more. This was by them considered a great misfortune, over which they grieved.

Early after dark the ensuing night they left their hiding place, and as they knew the whole Ovashsashi nation would soon be out on the hunt for them, they concluded to make their way, as best they could, towards their own country, and for that purpose set out to cross the prairie and reach, if possible, the thick hammock in which they had concealed themselves the first time. They were silently passing over the wide plain, and when about the middle of it found themselves suddenly surrounded by a large party of loudly yelling warriors. They formed themselves into a close column and essayed to continue their way. Ovashsashis pressed so heavily upon their front and yelled so incessantly that the Chahtas could plainly perceive that they were in sufficient force to cut off their retreat. The darkness of the night prevented both parties from attempting a charge, or from wasting their missiles by shooting, when they could only distinguish the objects as moving shadows on the prairie. The Chahtas parlied, and swaying about on the deep sea of prairie grass, they accidentally came across and fell into a considerable lime sink, that terminated at the bottom in an underground passage of some extent, sufficient to receive and conceal the entire party. Here they took refuge. In the bottom of the little cave was a small rill of running water, and they could, by jamming closely together, retire so far back into the little cavern that they were out of reach of the missiles from above. They had a little cold flour and a few scraps of dry meat. On making an equal partition of their provision stores they came to the conclusion that they would be able to hold out ten days. All had become quiet above. The leader cautiously peeped out, but could make no discoveries, only that it was still dark. The night had not passed away, and they knew that the Ovashsashi warriors, wolflike, were watching patiently for their prey. At length the day began to creep into the mouth of the little cavern, and they could not hear the slightest sounds of any

description. They knew that it would not do for them to look out for a single moment. The profound silence was ominous of an attack, perfectly understood by the Chahtas, and they made preparation with all the means they possessed to receive the onset of the numerous foe in as good style as their crowded position would allow. The plan was for those who had rifles to stand in front, nearest to the mouth of the cave, and to fire their piece only when the mark was a sure one. And finally, if the enemy should attempt to storm the cave, their knives were to be resorted to and applied in the most desperate manner. The sun had been up some time and his golden rays had begun to glance down the western declivity of the lime sink, which formed the entrance to the cavern. No voice had come from above yet. All inside the cavern was still as death.

Presently a terrific yell of numerous voices broke forth and instantly large quantities of grass, weeds and various combustible materials were let fall from above, immediately in the mouth of the cave. Incessantly the combustibles were tumbling down, from which the Chahtas knew that the intention of the Ovashsashis was to burn them up, or at least to suffocate them with smoke. The Chahtas drew into the cave all the grass and weeds that fell in reach of them, and wetting them in the little stream of water that dribbled through the bottom of the cave, began to form a wet barricade across the mouth of it. While they were thus employed an arrow came in, narrowly missing the man who was at that moment packing down the wet weeds at the mouth of the cave. The Chahta leader, then taking advantage of the pile of weeds which was piled up for a defense against the fire and smoke, peeped out and could distinctly see the head of a man peering over the farther bank of the lime sink. To a person outside it was all dark in the cave, and the motion of the leader not being perceived he took deadly aim at the head of the Ovashsashi, and firing his rifle "centered" his forehead. In the death scuffle the Ovashsashi rolled down into the bottom of the lime sink. And now the uproar above was terrific beyond description, and great numbers of the enraged Ovashsashis rushed down to the dead man, attempting at the same time to storm the cave. The Chahtas kept up such a deadly fire on them that they were compelled to retreat, carrying off with

them several other dead men. For a few minutes they remained silent. Then again the war whoop resounded, seemingly from a great multitude. The Chahtas had time while the war whoop was going on to fix up their arrangements a little and to resolve amongst themselves to sell their lives as dearly as possible.

Soon again the combustibles were tumbling down in larger quantities than before. The Chahtas could see very distinctly that their fate was sealed, and their greatest desire now was to kill as many of the howling foe as they could. They had cut out, with their knives and pipe hatchets, niches in the sides of the cave, that secured them from the arrows of the enemy, and from which they could fight better with their knives in case the enemy should succeed in getting in. They had also succeeded in stopping one side of the mouth of the cave nearly to the top with wet grass and weeds, which they had snatched in at the moment the bundles were falling. The leader now having a secure hiding place, kept up a vigilant lookout, hoping to get a shot at another head.

It was not long, however, until the lime sink was so far filled up that they could get as much as they wanted of the materials they were throwing down and they packed the mouth of the cavern with a thick wall of it, which they made wet by constantly throwing what water they could get upon it. All within now was utter darkness. And they were silently waiting in a very hopeless condition. They were not, however, permitted to brood over their misfortunes a great while before they heard the crackling flames, which soon increased to a terrific roar.

The combustibles had been lightly thrown in and they were soon consumed. The heat was sufficiently intense to convert the water that had been thrown on the grass in the mouth of the cave into steam, which soon filled the cavern and was very annoying, but after the grass had become partially dry, it also took fire and soon filled the cave with suffocating smoke. This was terrible and the dampened grass burnt so slow that it seemed that the smoke would have no end to it. The smoke was so intensely severe that had it not been for the water in the cave the whole party must have died. As it was, they did not lack much of being smoked to death.

At last the grass was all consumed, and contrary to all expectation, there was no attack made upon the cave, neither could any noises be heard. They peeped out all they could, but could make no discoveries. Night came, and though they held their ears against the walls of the cave, they could hear no sounds of any kind. The supposition was that the Ovashsashis were lying in wait for them, and no one would dare go out. After midnight one of the Chahtas who had been asleep said the enemy were gone. In a dream he had seen them trotting across the prairie like a gang of wild turkeys. So strong was he impressed with the belief that the Ovashsashis were gone he could not be prevailed on to lie still, but would creep out and look. After some time he returned and reported that they were sure enough all gone. He said he had encircled the place to a considerable distance and that they were most certainly gone. He noticed that the grass had been clean burnt from the prairie and was still burning all around at the distance of a mile or two. By laying his head low on the ground and lighting the surface by the blaze of the burning grass he could very distinctly see that there were no moving things or any lumps or masses of any kind that he did not understand. It was quite calm, and there was nothing to be seen between himself and the fire excepting the thousands of white wreaths of smoke, which were shooting upwards in all directions from the slowly smoldering buffalo chips.

It was an unaccountable mystery, but it was true that when they had all cautiously come out from the cave there was no indication of an enemy anywhere to be seen or heard. There was no time to parley about it, and so made arrangements to meet in the far off hammock of thick woods.

All got in safe before sunrise, and concealing themselves stealthily, they slept the greater portion of the day, except the watchers. The hammock was a little elevated, and by climbing some of the tall, leafy trees, they could overlook the burning plains for a day's journey. They could see no Ovashsashis.

What had become of them no one could conjecture. It forced the Chahtas to observe extreme cautiousness and when the night came again they silently set out on their journey homeward. For fear that the mysterious disappearance of

the Ovashsashis was a strategic movement to draw them from the cave and to entrap them in an ambuscade, the Chahtas placed themselves in a very singular marching order. They marched in single file and as far apart as they could see one another, so that if they should stumble into an ambuscade there would be but three or four in it at any one time. In this manner they traveled all night. Nothing turned up to annoy them and they spent the next day in the thick bottom of a little creek.

Having time now to breathe a little freer some of the party spied round a little, while others slept or employed themselves "raking" the creek for something to eat. The whole party had escaped with the exception of Ishtilauata. They had not seen him since the attack on the Ovashsashi camp, and the supposition was that he had been killed, or as he was an unknown straggler, not caring much where he was and besides not having been kindly treated during the expedition, it would not be a very strange thing, under all the circumstances, to hear some day hence that the ill-treated young man had gone over to the Ovashsashi people. All could see, now it was too late, that they had been unkind to him, for they said he was a truthful young man.

Night was approaching and they were fixing up their packs for the journey, when just about twilight Ishtilauata came quietly up and took a seat near the crowd, who were engaged in planning the manner of the travel through the night. All saw him at once, and with evident signs of unfeigned gladness the whole party exclaimed:

"Hallo, 'Brag'; why, where did you come from? We had just been talking about you, and our former conclusions were that if you were not dead you had joined the Ovashsashi people."

"In reference to me you often make mistakes. I am neither dead nor turned Ovashsashi, as you see," he very calmly replied.

"Well, well, 'Brag,' don't be offended at us; we were all sorry and had confessed among ourselves that we had not behaved toward you with as much respect as you really do merit."

"That," said he, "is because you don't know me; but the day will come when you shall all know me. You call me 'Ishtilauati' now. I shall return that name upon the head of those who gave it, and they shall brag then, not of their own deeds of daring, but of mine."

"Come, 'Brag,' don't be ill any longer, but tell where you were in time of the fight at the Ovashsashi camp."

"I stayed among the warriors, where the fighting was going on, what little there was of it," he replied.

"Yes, you stayed with the warriors," they sarcastically remarked. Ishtilauata quickly replied, "Why dispute my word, when you know you were not there to see me?"

"Oh, then, you were a prisoner and have made shift to escape?"

"I was no prisoner," said Ishtilauata, "but I was where I could see the Ovashsashi warriors piling and burning grass and weeds in a cave upon those who were."

"You, somehow or other, have been fortunate. We will ask no more questions, but beg of you to be so kind as to give us a history of your mysterious adventure."

Ishtilauata good humoredly remarked: "I will do that, as it will save you a good deal of guessing; and I will also clear up another mystery to you, which you have no means of accounting for, and that hangs heavier on your minds than did the uneasiness experienced on account of my absence."

"Well, say on," they all anxiously urged, and as you speak so much like an old, experienced warrior, we will all hear you and give credit to all you tell us."

"That's very well," said Ishtilauata, "but if your incredulity should overpower and prevent you from having full faith in what I shall narrate to you, I shall be able to force conviction by producing the evidence. But," continued he, "we must travel to-night, and as my story is a long one and will be of no advantage under the circumstances for you to know it now, I must postpone its revealment until we reach a situation of greater security."

They took up the line of march, making a long journey, part of which lay along the border of a river bottom, which they turned into for concealment on the approach of the morning light. Their provisions were all out, and necessity compelled them, after a short sleep, to look around for something to eat. Five of the party went over to the highlands as spies. They returned by the middle of the day and reported that they had seen no signs of a recent date, and from what discoveries they could make on the locality, gave it as their opinion that they had passed the bounds of the Ovashsashi country.

Some of them went hunting in the bottom and found some deer, a few of which they killed with their bows. None but bowmen were allowed to go in the hunt, for fear of being discovered. But while the bowmen were packing up some deer they had killed, they were startled by the firing of five or six guns at the camp, and supposing that the Ovashsashi had found them, they left their meat and ran with great haste to the camp. When they came near they "parlied" to listen, and were much gratified to hear their own men talking and laughing. They then approached the camp and found that the firing had been occasioned by three fine bear that had attempted to pass

where the men were lying resting. They succeeded in taking all three of the bear, which, with the venison they had, made a plentiful supply of meat for a day or two.

After a plentiful feast they unanimously called on Ishtilauata to narrate his adventure, and also to give the promised explanation of the mysterious manner in which the Ovashsashis had fled when they left the burning cave.

He began his narrative at the Ovashsashi camp and said that when the Chahtas were from superior numbers forced to retreat he was a little ways apart from the main body scalping a man that he had transfixated with an arrow, and that the retreat was so precipitate that he found himself instantly left alone; Ovashsashi and all passed on in the flight, and the pursuit giving him time to go and scalp another man that he saw fall at the first onset. Soon he began to hear voices and he slipped off to the left of the course the rout had taken and hiding in some rank weeds he had in the dark stumbled into, remained there until the uproar of the pursuit was over and the Ovashsashis had all returned to their camp. He then glided off and shaping his course for the thick hammock they had camped in the day previous to the attack made what speed he could until daybreak, where, being in the thick brushwood of the river bottom, he crawled into concealment and remained undisturbed through the day. As soon as it was dark he set out again, crossed the river and was traveling in the prairie when he heard the shouting of the Ovashsashis far off to his right. He knew what it meant and hurried onward, turning his course more and more to the right until he was as he judged two miles or more beyond where the conflict was going on. By the time he found some rank weed and grass to hide in all had become silent, and being greatly exhausted he fell asleep and remained unconscious of the world's action until sunup, when he was aroused from his refreshing sleep by the terrific war whoop. He carefully peeped out from his grassy concealment from whence he could distinctly see the entire Ovashsashi force. They were nearer to him than he liked, but there was no chance for him to change his position now. There was no timber in sight in the direction he wished to go, nothing but a continued plain of short grass, not high enough to hide a turkey except in the occasional patches of half grown

weeds. He kept his place, saw them throwing into the cave grass and weed in great quantities. Heard the sharp crack of the rifle and saw the man who was shot tumble over the brink of the lime sink. Then went up the war whoop, more terrific than before, followed by a charge of the whole force. Many men went down out of sight into the lime sink. He heard more guns, and soon they came out again, dragging back with them four dead men. Over this pile of dead warriors they held a short parley, when a party of their warriors brought the dead more than half way to his place of concealment, and, laying them down in the grass, returned, carrying turns of combustibles to the cave. For a considerable length of time the whole party were energetically engaged in filling up the lime sink with everything they could get that would burn. They then set fire to it, and for a while the cloud of white smoke that went up from it was wonderful. It went up in the form of a large white cloud to the very sky; it was a calm day and it mounted upwards on nearly a straight line and was doubtless visible for a day's journey around. Then it kindled into a flame, roaring like a storm. And while their warriors were dancing and exulting over their burning victims he saw another larger party of warriors coming from towards the river timber, running very rapidly. He supposed them to be a party of the same people who had seen the great cloud of smoke and were coming from towards the river timber, running very rapidly, to their assistance. He gave up all as lost and was thinking of the folly of a handful of Chahtas making war upon such a powerful nation of warriors who were as swift on foot as the deer and ferocious as the long clawed bear, and was weeping at the dreadful fate of his companions when he observed a sudden wild stir among the straw-gathering Ovashsashis. It seemed to be a perfect panic. The war whoop ceased and they dropped the grass they were carrying and flying to and gathering their scattered implements of war they fled away over the prairie very rapidly. But they were pursued by men of swifter foot who passed, not far from his place of concealment, sweeping over the grassy plain like the fierce *apeli* (hurricane). He could not count them but supposed them to be about four hundred and fifty or perhaps five hundred. Who they were or to what nation they belonged he

possessed no means of finding out. They were armed with short bows and full quivers of arrows, but they passed without uttering a single word or vocal sound of any kind. They were tall, well formed, looking as much alike as the deer. The Ovashsashis whom he had counted two or three times numbered two hundred and eighty-four. But if their numbers had been equal they would have been no match for the pursuing tribe. He could see that they were gaining ground on the Ovashsashi, but they soon faded away from his vision as they fled into the increasing vapor of the far-reaching plain westwardly. The day was far spent and turning his eyes toward the cave he saw that the old dry grass had taken fire, which being very dry was sufficient in quantity to consume the new growth, and it was crackling and slowly widening around the cave its blackened area. The combustibles that had been thrown into the lime sink had burnt out and there were only a few curling wreaths of blue smoke coming up from the smouldering embers.

" 'Well,' said I, talking to myself, 'I am left alone in this dreary, endless plain. My friends were all consumed in the lime sink and my enemies have been chased away by a people unknown to me. I need not go to the lime sink to see about the fate of my companions. There could be no possible chance for them to survive so great a fire, and alone as I am I could do nothing with so many dead bodies. When it is night, however, I will go and take the hair of the dead warriors I saw the Ovashsashis deposit in the grass, and that being half way to the cave, I will pass near the cave and call the names of my suffocated friends one by one, and that must satisfy their wandering *shilup* as far as I am concerned.' Thus soliloquizing, I waited for the coming night. The dullness and stillness of twilight in that lifeless desert hung heavily on my senses, and dropping to sleep did not wake until the evening was far spent. It must have been near the middle of the night. I was hungry and thirsty, and as the nearest water was the river I had crossed the night before, I was at a loss to know how to proceed. Revenge prompted me, and I decided to have the scalps of the warriors. While I was at the place where they lay I thought I heard somebody spit, and looking around saw two men, one on either side of me, walking pretty fast. They were too far off for me to see anything but that they were men. I, of course, instantly dropped in the grass. They passed quickly, making no more noise, and as I could not hear their footfalls, I concluded that, if there be any *shilup*, I had seen two of them. After scalping the stiffened warriors, I examined around to see if I could find anything to eat, finding a small sack of something I supposed to be eatables and a scrap of grizzled buffalo meat, which I eagerly put into my mouth, and hurried round by the cave to ascertain if possible the fate of my unfortunate companions. Coming to the brink of the lime sink, I could discern a dark section on the opposite side, which I took to be a hole. After due caution, I descended and found it to be what I had thought it to be. I spoke low several times, but receiving no answer I ventured to enter. Soon the whole matter was explained to me, and helping myself to what I needed of the bountiful supply of good

water I found in the bottom of the little cavern, I was rejoiced to know by the empty cave that my companions had all escaped. I had kept watch over it ever since the Ovashsashis had been chased away, and knowing that they had not returned could understand to my full satisfaction that my friends had left the cave and were safe somewhere. With a light heart I set out on the route towards home, traveling as fast as I could till near sunup, when I concealed myself in a clump of small bushes and slept the greater portion of the day. As soon as it was dark I moved forward again, when at daybreak I found myself on the border of the swamp and not far from the place where you were camped. I went a little way into the thick swamp, and while lying there I heard voices which I soon recognized as my own comrades. They passed very near where I lay, but did not see me. I trailed them until I found where you were camped, when I lay down again, waiting until you were making preparations to go forward, when, as you all remember, I came and sat down amongst you. I was greatly rejoiced to find the whole party safe."

"Your talk, Istilauata, is a good one and very well spoken. You have narrated some wonderful events and mysterious occurrences, such as never happened to anyone before; but at the beginning you promised to clear up the doubtful part of your adventure by producing the testimony, and you must not think hard of us when we tell you that our incredulity has been so heavily taxed by your wonderful accounts of the war feats and extremely well conducted management in evading the enemy, in finding your company, after examining the cave where they had been burnt alive, which you witnessed, besides your success in killing one man, which you scalped, with five other cases of scalping, which you did not say you killed, if we require of you to produce the testimony."

"I am," said the strippling Istilauata, "fully able to satisfy you. In the first place, I must bring to your minds the fact that you parted from me on the night of the attack on the Ovashsashi camp and that I am now here with you safe and sound. That I saw the Ovashsashi warriors burning you in the lime sink you cannot deny, for I have described the manner in which they accomplished it. That I saw a large body of warriors of some, to me, unknown people chase the Ovashsashis away from the burning cave you must take for the truth, inasmuch as you have no other way to account for their mysterious disappearance. That I went into and examined the cave you will know is true or false when I tell you that I found running water there and drank of it. That I killed and scalped a warrior at the Ovashsashi camp you will be able to understand from the bloody feathers on this arrow, which I drew out by the point, and also by this lock of hair and skin. That I scalped another warrior who had been killed by I know not whom you must decide by the examination of that war lock of hair. That I scalped the four warriors who were killed by somebody at the time they made their charge on the cave you must take these four scalps as testimony; and that I profited by finding where the Ovashsashis laid their dead warriors you will discover when you examine this little leather bag of pounded venison, these two good arrows and this powerful bow."

All of these he unfolded, while he was speaking, from a long roll which he had been carrying in his pack.

The whole party confessed their astonishment when they could no longer doubt the truth of his report. His wonderful management and singular success drew forth expressions of praise and admiration from all the warriors present, and it was

proposed that he should have a big war name bestowed on him. He, however, calmly, but firmly, refused, at the same time remarking that when he consented to receive a war name it must be for something more than one scalp of his own killing or for an adventure he might tell of himself. A war name for him to accept must be predicated on deeds of great daring which must be seen and told by other men.

"You believe," he added, "what I have told you, and it is most certainly true; but what account would a war name be at home based upon my individual say so, supported by the testimony only of a defeated party? No, no; give me no war name for what has accidentally occurred to me this time."

No one offered any further proposition, all looking upon his strippling form with wonder and admiration. The leader of the party remarked that he was a strange kind of young man and possessed wisdom beyond his years. He declared that the lad spake like an experienced chief and predicted that some day or other he was destined to lead the nation.

They returned home without any further adventure, had a big war dance which Ishtilauata, who had previously placed all the scalps in the hands of the leader, did not attend. Everybody wondered at his absenting himself from such an occasion; but the leader told the people that it was just like him, that he was a peculiar young man who did not seek honors; and as for himself he said he had not expected him at the war dance at all. The war party had nobody else but Istilauata to talk about, and as he was known to no one who participated at the dance the question was often asked, "Who is he? Where did he come from? To what iksa does he belong?" etc. But no one could tell, and they were greatly perplexed. No one knew where he went or what had become of him even then. And they made use of all the means they possessed to trace him. It all failed, and had it not been for the testimony of the hunters the war party had left behind when they crossed the Mississippi people would have maintained that the wonderful accounts of his great war feats was all fiction and that there was no such person. The talk soon ended amongst the people, and we hear no more of Ishtilauata until he turns up a year or two later at a great battle which took place between the Chahtas and Muskogies

on the Tuscaloosa River not far below where the town of Tuscaloosa, Alabama, now stands.

The Muskogees and Chahtas had been long at war about the ownership of the district of country lying between the Black Warrior rivers. The dispute was not settled until the Muskogees were conquered by Gen. A. Jackson in 1814. Consequently the Chahtas and Muskogees had very many battles, which war had continued many years previous to the battle of Tuscaloosa at which Ishtilauata made his next appearance after the war dance over the Ovashashi scalps. He came with no party of warriors, nor had he been noted by any of the war parties until the battle had been going on for some time. The Muskogees had met and given battle to the Chahtas on the west side of the river below their town, which was on the east side. The battle was a hard one, the Muskogees fighting under cover of an immense canebrake and the Chahtas from behind the bark trees, and the declivity of the rising ground. At length, about the center of the line of battle, there was a charge made by a small party of Chahtas upon the Muskogee warriors. The Muskogees gave way, and at that moment a shout of victory went up from the little party which brought on a general charge, and the Muskogees fled wildly to the river where numbers of them were killed while they were crossing it.

Night closing in prevented the further progress of the battle, and the Chahtas slept upon their arms until morn. During the night, however, they held a council of war, and it was decided that the whole war party should go up the river, with the exception of a few spies, and conceal themselves in the thick cane above the falls, distant about two miles and a half. At the council it was asked in relation to the first charge that was made on the Muskogee lines in the canebrake during the battle of the day, who it was that led the little party? It was answered by those who were in a position to see the charge, that it was led by a strange, young looking man. And they said he went bounding into the charge more like the forcible leaping of a mad *koi* (panther) than a human being. The chief of the war party expressed a desire to see the young warrior if he could be found. The messenger who was sent to hunt the young man returned and reported that he has remained as a volunteer

among the spies who had been detailed to watch the movements of the enemy.

They lay in the canebrake until daylight, when their spies came up and reported the Muskogees were crossing the river a mile below where they had the battle with them the day before and that they were in considerable force. The Chahtas formed the line of battle at a little creek a small distance below the falls and sending out a detachment of twenty men as an advance, waited till towards noon before they heard anything of what was going on. Then the advance picket came running back and reported the enemy close at hand. The chief ordered the advance to cross the branch and form behind the trees, and when the enemy came up to fire on them and run. And when the engagement took place for them to go up the little creek and charge them from behind if they could. Soon the advance of the enemy came up and a sharp skirmish took place between them and the Chahtas who had formed behind the trees, which continued until the main body came up. The Chahta skirmishers, in accordance with their instructions, on seeing the approach of the main body of the Muskogees, fled away, while their main force remained concealed in the gully of the little creek, not having fired a gun. As soon as the Chahta skirmishers fled, the Creeks (Muskogees) raised the war whoop, and penned them. When they came nearer the little creek the Chahtas opened a deadly fire on them, and they being so near there were but few shots lost. A great many of the Muskogees fell dead at the first fire, and while they were thus suddenly checked for a little time, the Chahtas had time to reload their guns and had commenced firing again. The Muskogees jumped behind the trees and the battle commenced in good earnest. The firing was not at this stage of the battle very constant. Each party were firing only when they could see a man, or a part of a man, to shoot at. Both parties held their position for a considerable length of time and notwithstanding that the Chahtas had at the first fire each killed or disabled his man or nearly so, the Muskogees still outnumbered them. This they could plainly understand from their yelling and the extent of ground they covered.

This state of affairs, however, was not destined to remain long. A shout was heard in the rear of the Muskogee forces, and soon there was a perceptible stir amongst them. They found themselves attacked with what from the yelling seemed to be a considerable force from behind, and they were about to make arrangements to meet it. But before they had affected anything a terrific shout was heard between them and the river. Neither party expected any aid from that direction and were alike at a loss to know who it could be. Soon the rush of yelling warriors explained the enigma to the astounded Muskogeans. Wildly bounding into the very midst of their greatest force and strongest position came a band of ferocious warriors led by a man from whose eyes the fire seemed to flash, while with a ponderous war club, wielded by an arm potent in its irresistible power, he hewed down man after man as he rushed from place to place. The men who came into the charge with him following his example were playing bloody havoc in all directions. At the same time the twenty warriors who had been ordered round from the front plunged into the fight from the rear. And now the main body of the Chahtas, who had all this time been concealed in the bed of the ravine, charged the enemy in front, and, with the shout of victory, fell in upon the confused and panic-stricken Muskogeans who fell an easy prey to the victorious Chahtas. Very few made good their escape. With a few exceptions the whole party was slaughtered. They took no prisoners, and as the Muskogeans were all armed with good rifles the plunder was valuable.

After they had driven the few that escaped from the slaughter across the river they returned to the battle-ground, secured the plunder, buried in secure places their own dead, and, not caring to cross the river to attack a town of women and children, they set out on the return march. The victory had been a signal and complete one, notwithstanding the loss of twenty-seven brave warriors whom they deeply mourned.

They camped the first night after the battle on Nuchuba, now called Sipki River by the white people, about eight miles from the Tushkalusa River. After placing their pickets they assembled around a council fire and recounted the results of the two battles. A great many war achievements were described

and war names conferred, but all agreed that the daring and irresistible charges of a certain young warrior, whom no one could tell the name of, or where he came from, had eclipsed them all.

The chief sent for the mysterious young warrior, and when he came to the council fire he was but a calm, sedate and quite pleasant looking young man, having nothing in his appearance that would seem to vindicate the fearless action and rushing intrepidity that he had so daringly manifested in the hour of battle. No person present knew him. The chief asked of him from what town he came. He replied calmly that he did not reside in a town. Then, from what land did you come? He answered quickly, "From the Chahta country." The chief, somewhat perplexed, inquired of him if he would have any objections to giving his name. He answered:

"None at all. Until a few winters ago, while participating, for the first time in my life, in a hunting party in the Mississippi bottoms, I was at first called the 'nameless stripling,' and some of the party, in derision I suppose, regaled themselves by calling me 'Bony.' Afterwards, while we were still prosecuting the hunt, for reasons best known to themselves, the party, seemingly by unanimous consent, took it into their heads to bestow on me the highly reputable name of 'Ishtilauata,' and by that name, with that party, I have been known ever since. With other parties and people I had no name."

"Have you not kindred, relations?" inquired the chief.

"None that I know of," said the young warrior.

"Then," returned the chief, "I am to understand from your answers to my questions that you do belong to a Chahta country, but that you have no particular home place, no relatives, nor any name except that which the hunters gave you in the only hunting expedition in which you have participated."

"That," rejoined the young warrior, "is the meaning of my answers to your interrogatories, and it is the truth, with the exception that you have made a mistake that the hunting party alluded to was my only participation with a party of hunters, when I intended you to understand that it was my first expedition with a company of bear hunters. Previous to that time, notwithstanding the fact that from my earliest recollections I had extracted from the forests and water courses my entire subsistence by my skill with the blow gun and bow, I had never taken part in a camp hunt with a company of hunters before. I dwelled alone in the wild forests and dark swamp lands, with only an occasional transient associate, until I thought I had grown to be a man, when I joined the before named company of hunters on the evening of their first day's travel towards the Mississippi bottom, where they spent the winter in a successful bear hunt, as I thought, and there was where I accumulated the distinguished appellation of 'Brag,' as I before stated."

"The history you give of yourself," said the chief, "is strange. You give no account of your origin; no mention is made of your mother or even the iksa from which you sprang; you do not even seem to know that you had a name previous to your expedition with the hunters in the Mis-

sissippi bottoms. It is, to say the least of it, an extraordinary story and your prowess in battle is equally extraordinary. Clear up the enigma which is presented in the history you give of yourself and the daring exploits you so well managed at the proper time in our late battle and it will entitle you to a big war name."

"I have told you all I know about myself," said the young man, while the fire began to flash from his steady eyes, "and as for what you are pleased to refer to as daring exploits in battle, they were not performed in anticipation of an honorable war name, but to subdue the enemies of my country. But I find from what you have said to me to-night that it is not the actual demonstration of timely and sufficient aid in the time of peril that will entitle a man to honor in your estimation, but to the history of his origin, parentage, iksa, etc. From my very soul I detest all such titles, and I beseech you to forbear the bestowal of a war name upon me at this time or any other time upon such terms."

And turning away quickly he left the council and was not seen again during that expedition. Nor did he appear at the great war dance which took place on the return of the war party.

The war continuing with the Muskogees it was not long till the intrepid young warrior was leading a party of terrible warriors of his own selection, and they were making repeated successful forages upon the borders of the Creek country. Very soon his fame as a great leader and invincible warrior was spread over the whole Chahta country, and to the Muskogee people the reputation of his name filled every breast with terror.

He had at last consented, at the solicitation at one of their great *Ishtahullo*, to receive a war name. It was the custom in those days for the *Ishtahullo*, high priest or chaplain, who always accompanied and conjured for the war parties, to confer the war name. There was much mystery in the manner the *Ishtahullo* conjured out a war name. He carried a leather bag in which was deposited thirteen smooth stones, or pebbles, of various colors. And when any one performed a feat in battle that merited a war name, the *Ishtahullo* would, by his conjuration, select from the bag one of his mysterious pebbles, and from the impression he received on hearing the history of the war story and in conjuring out the stone, he would utter the war name. Our hero, Ishtilauata, had performed many daring feats in battle, and had drawn stone after stone from the *Ishtahullo* until he had got them all. But he would not then consent to receive a war name. He raised another party and made a furious forage upon the Muskogee towns, where he distinguished himself more by his wonderful daring and success in taking

scalps than he had ever before done. When the battle was over he went to the *Ishtahullo* and very calmly remarked:

"I am ready to receive a war name now."

The priest replied, "There is no more in the bag. You have, by your numerous brave exploits in battle taken them all out."

After conjuring a while, however, the priest came back and said: "I shall confer upon you, and it is because you have clearly and fairly won it, the most distinguished and the greatest war name that has ever been conferred upon any warrior of any nation. Your war name shall be, and it is a very significant appellation, Apushimataha" (no more in the bag). The warrior then bowed his head and repeated "Apushimataha! Fihopa" (I am content).

Apushimataha, the name by which he was ever afterwards known, soon became a very conspicuous character, and was the main leader of the war parties in the war against the Muskogee nations. His efforts in his expeditions against the Creeks were universally crowned with success. And such was the terror of his name that the Muskogees had ceased to make incursions west of the boundary lines between the two nations or to hunt on the disputed territory which lay in the fork of the Tushkalusa and Tombigbee rivers.

They were considered a conquered people, and Apushimataha, still active and ambitious, conceived the idea of seeking fame with a braver and more noble foe. He set himself to work and soon succeeded in raising a very large war party, with the intention of making war upon the Ovashsasi nation. He had not forgotten the manner in which they had treated his war companions that he had accompanied in his youthful days to that country, and he made that an excuse for making war upon them. In his speeches while beating up for volunteers he never failed to narrate the affair of the lime sink and the smoky cave. Now two hundred and eighty-four Ovashsashis yelled and raved around the little lime sink that contained only thirty-nine half famished Chahtas, half a night and half a day, lost four of their own warriors and effected nothing more than to give the Chahtas a pretty smart smoking.

In the form he put it up it was a popular story, and he succeeded in organizing quite an army of warriors to go against the warlike Ovashsashis.

The party was well equipped, having good rifles, plenty of powder and lead, and each man carried, by order of Apushi-

mataha, nearly half a bushel of *Tan' bota* (cold flour). The cold flour was to be held in reserve and only to be resorted to when they could find no game on the route. The plan was to take time and supply themselves by hunting as they traveled. All being ready, they set out, three hundred and twenty strong, at the time the strawberries and early spring fruits had begun to ripen. And crossing the Mississippi above the mouth of the Arkansa River, they made their way in three parties in the direction of the Ovashsashi country. Each division had a leader assigned it, who was acquainted with the country, and he was instructed to steer his course to a certain point far up the Neosho River, where the division that arrives first was to remain until the remainder should come up. Each division was conducted by good leaders, and the whole party met again in thirty-four days.

They were now not far from the Ovashsashi country, and sending out a few spies to ascertain the locality of their hunting parties, the Chahtas remained on the Neosho River, killing and drying the buffalo meat until the spies should return. They found the buffaloes plenty, and they prepared, by drying, as much meat as they could pack.

At the end of ten sleeps the spies returned and reported that they had discovered two parties of hunters, one of them very large, the other did not consist of exceeding a hundred men. Both camps were of the Ovashsashi people, and had their families with them.

Apushimataha decided to attack the larger camp and immediately made arrangements for that purpose. Having the direction pointed out to him his plan was soon arranged and made known to his leaders and captains, who received the orders with manifestations of great satisfaction. The force was divided into three columns, with an experienced warrior chief to each division. The divisions were subdivided into bands of twenties with a leader to each band. The programme laid down by Apushimataha for the movement of the three divisions was the following: The first division was to go to the left and to diverge wide enough from the direct course to the Ovashsashi camp to avoid being discovered by their hunting parties; the third division was ordered to the right and to follow the same

instruction. The second division, commanded by Apushimataha in person, was to remain one day in camp after the other two divisions had marched, and then go forward on a straight line to the Ovashsashi camps. The first division was to pass on, if they could do so without being discovered, until their spies had informed them that they were far enough to attack the camp in a quartering direction from beyond. The third division received instructions to make the attack in the same way from the right. He then told them that the second division would be at the right place at the right time. The first and third divisions, as soon as it was dark, moved forward. The second division waited to move forward the next night, which they did.

The Ovashsashi camp lay from the Chahta camp on the Neosho about three days' traveling to the northwest and contained from the best estimate the spies could make, five or six hundred warriors. The Chahta columns were ordered to travel only at night, and to move forward with the greatest caution. It would require four nights and a half for the flanking columns to make the trip and for the center division, if they were not discovered, three nights. Orders were for them to make the attack at daybreak on the fifth morning. All understood the entire plan and the right and left columns moved forward in accordance with their instruction.

They diverged widely, and making forced marches found themselves at the designated points by the middle of the fourth night. Their sagacious spies told them they could rest a little while and then make the trip to the Ovashsashi camp by daybreak. By the spies the first and third divisions had already communicated and were moving in concert.

The Ovashsashi camp lay upon the valley of a considerable creek, and was stretched along its banks for more than a mile. There was not a great deal of timber, cotton wood, elm, etc. all growing very near the banks of the creek. All this had been described by the spies and was perfectly understood by the Chahtas. And as they drew near each division threw out, every little while, bands of twenty toward the center of the encampment, with orders to take distance rapidly until the first twenty came in sight of the deploying bands of the other

divisions. And when they reached the brow of the declivity which overhangs the valley of the encampment to sit down and wait for the signal. The whole movement was admirably performed and the entire number of the warriors of the two divisions were seated before the day had peeped, in sullen silence, on the brow of the hill which overlooked the encampment of the unsuspecting Ovashsashis. On the brink of that little hill, crouched in the obscurity of the night, was the long line of dark spirits, each one firmly grasping his deathly weapon, while his savage heart throbbed with delight in anticipation of the scenes of blood so near at hand.

At the first gleam of the morning light the signal owl hooting passed along the line, and instantly the charge, accompanied by the terrific war whoop, resounded along the whole line of the rushing warriors. Onward they wildly dashed, right towards the camp fires. It was but a short run.

It had so happened that morning that a large party of the Ovashsashi warriors, for the purpose of surprising a herd of buffalo not far off, had risen very early and were at the time of the charge all armed and ready to start in the hunt. They quickly strung their bows and welcomed the Chahtas with a shower of arrows, killing several and wounding a good many more. The Chahtas immediately commenced firing upon them, and, being so near, almost every shot took deadly effect. The Ovashsashis greatly outnumbering them, plied their arrows incessantly, and were performing a deadly work, thinning the Chahta ranks rapidly. The chiefs, seeing that they were about to be overpowered by superior numbers, ordered a charge, and soon both parties were mixed up in a hand to hand conflict. The Chahtas all had fine large knives, while the Ovashsashis had nothing to fight with in close combat except the sticks from their meat scaffolds and a few hatchets. These they gathered and were contending bravely against the sharp knives of the Chahtas. The battle was raging madly and the Chahtas, though they were killing some one every time, and had the advantage in weapons, yet under the pressure of the vastly superior numbers of the foe, they were beginning to waver. Some of them had withdrawn a little distance and had commenced firing again. And notwithstanding that every fire told on the enemy, it was

too slow and did not seem to do much good in a battle of this kind. There was no chance for escape and nobody thought of trying it. All were determined to sell their lives as dearly as possible and now when every nerve and thought was strained to its utmost tension, when the result of the battle seemed to be oscillating, and all was dire war struggle, a sound of a sweeping tornado seemed to quiver through the din and uproar of the bloody conflict. Soon the sound came again, more startling than before. The Ovashashi warriors suspended operations a moment to listen. Wildly and more terrific than ever the sound came again. Terror stricken they cast their eyes around for a moment as if uncertain what course to pursue. But before they had time to come to any conclusion the storm of war was assailing them from the opposite side of their camp. The loud shout of recognition greeted the wavering spirits of the tired warriors of the first and third divisions. And now, sweeping down the hill from the opposite side of the creek, like the rushing waters of the irresistible mountain torrent, came the second division, led by the furious Apushimataha. They rushed very near to the creek and opened a terrible fire on the Ovashashis. The first and third divisions then drew back a little and opened fire also. The Chahtas all had white feathers in their hair, and now the sun being an hour high, it was an easy matter to distinguish them from the Ovashashi warriors, who were now in utter dismay between the deadly fire of the Chahta forces. Having previously shot all their arrows away they were reduced to a defenseless condition. Panic stricken they began to jump into the bed of the creek and were trying to escape by running along in the water. But the Chahtas, seeing this, charged up to the banks of the creek and shooting them from both sides filled the water with dead men for more than a mile. None who ran into the creek made good their escape. If any of that great number of mighty warriors got away, they must have effected it in the early stages of the sanguinary battle. Some of the women and children had been accidentally killed in the furious battle, but most of them had escaped by running off down the opposite bank of the creek at the first onset before it was light enough to see them.

The Chahtas took no prisoners, and when the work of death was completed, they all went up the creek above the encampment in search of clear water, for they were all very thirsty. After resting awhile they took some refreshments, and then proceeded to scalp and enumerate the dead. They found 509 dead Ovashsashis, sixty-three dead Chahtas and eighty-seven wounded, some of them badly.

They buried their dead the same day, and before the next morning three of their wounded had died, and as soon as they had interred them, the balance of the wounded being able to walk, they set out towards the other encampment that had been reported by the spies. They traveled till evening, when they struck up camp and after refreshing themselves a little, leaving the wounded with a small guard, the efficient warriors, 150 in number, set out, making forced marches by night, until they came in striking distance of the camp. They made reconnoisances by scouting parties, who soon returned and reported the condition of the camp. They gave a description of its surroundings, and the number of warriors, which they supposed to be about 130.

Apushimataha immediately divided his men into bands of tens, and, putting a brave leader over each band, ordered them to deploy to the right and left, with instructions to surround the camp and to be ready for the attack by daybreak, when he would himself give the signal for the onset. His programme was successfully carried out, and the whole of his forces were drawn up in sight of the camp fires and resting upon their arms before the day dawned. Just as the morning birds began to chirp a party of Ovashsashi hunters, who were hurrying out on an early hunt, came in contact with one of the Chahta bands. The Chahtas hailed them, and as they did not speak, the Chahtas fired upon them, killing most of them upon the spot. Those who had escaped ran back to the camp to find their comrades in great trepidation and confusion. All was bustle and hurry; few could find their arms to meet the onslaught that was rushing upon them from every direction. The terrible war whoop and the sharp, mad cracks of the rifles of the invaders filled every heart with dismay, and they seemed to hurdle in bunches about their camp. The light of the morning was every moment

becoming brighter, and the effect of the pealing rifles was constantly increasing and more deadly. Now was seen running through their panic stricken ranks their tall, fine-formed chief; he was a brave man, and with all the powers of his dauntless spirit was endeavoring to restore order and courage to his greatly confused and hopeless warriors. His presence produced an instant movement among them. Now that they could see more distinctly their courage began to return to them, and gathering up their weapons raised the loud defiant war shout, and their sharp, flint pointed arrows were soon filling the air with their deathly whizzing sounds. For a little time the contest seemed to balance. Apushimataha having discovered the nodding feather that decorated the brow of the tall, well-formed chief, fiercely bounded into his presence and, stopping for an instant, seemed to greet the magnificent warrior with a smile of admiration. The tall Ovashashi chief drew down his brow and, looking upon the much less form of Apushimataha with scowling contempt, swung high in the air his ponderous war club, making a sweeping pass with it at the head of Apushimataha, who received it glancing up the barrel of his rifle, which he held in his left hand, and at the same moment, quick as the lightning's flash, stove his long knife through the temple bone and deep into the brain of the mighty warrior chief. His large, muscular form paralyzed, plunged to the ground, when his invincible conqueror, with the fire of triumph flashing from his eyes, leaped upon the prostrate giant, and deliberately removed that portion of his scalp which contained the feathers. Then, standing erect on the still quivering frame of the fallen chief, and waving high above his head, on the point of his knife, the feather-adorned scalp, he shouted aloud, with his peculiar harsh, jarring, terrific voice, a sound that no one could or ever attempted to imitate, calling on his brave followers to rush to the slaughter, "the victory is ours." Then instantly whirling from his elevated position, with the bounding strength and activity of the mad panther, he plunged wildly into the thickest of the fray. Encouraged by his extraordinary daring and inimitable prowess, his warriors dashed into the camp from every quarter. The Ovashashi warriors had witnessed the fall of their beloved chief, and that unfortunate disaster and the sudden rush upon

them from every direction by the furious warriors of the exultant foe, filled them with dire consternation, and although a portion of them continued to battle bravely, they soon fell an easy prey to the superior weapons of the triumphant Chahtas. The battle was finished by an indiscriminate slaughter. Neither man, woman nor child was left alive to tell the news of that dreadful day.

The Chahta warriors scalped all the slain, numbering 381. Their own loss amounted to thirteen killed and twenty-nine wounded, only one dangerously.

Both the camps they had taken were full of rich plunder, but being so far from home and having so many wounded men, they did not appropriate any of it except a few dressed deer skins and some curiosities peculiar to the Ovashsashi people. They went far enough up the little creek upon which the slaughtered camp lay to be out of reach of the offensive stench and to attend to their wounded, and, resting two or three days, encamped in a pleasant little elm grove near to the water. They also sent a runner to bring forward the wounded who had been left behind. Other parties went down and brought up to the new camps great quantities of nicely cured buffalo meat and some kind of meat that was beaten to powder and put up in leather bags. It was very good, but they did not know to what animal it belonged. It was conveniently fixed for traveling provision and for that purpose they preserved it.

In four days the wounded had recovered so far as to be able to travel. The well men were so heavily packed carrying provisions for the wounded that they were compelled to leave all the guns of their dead warriors and some of those belonging to the wounded, who were too feeble to carry anything. They threw the surplus guns into a deep hole in the creek to prevent the Ovashsashis from finding them, and, all being satisfied with the success of the expedition, they turned their faces homeward. As the weather was now very warm and some of their wounded quite weak and feverish they chose the night to travel in; and so at the twilight of the fifth night they left the new camp and, moving off slowly, heavily tramped the grassy plain until near daybreak, when, coming to a small rivulet of good water shaded by a heavy grove of trees they concluded to

lay down their packs and rest until the cool of the ensuing evening. And thus they continued to lie in camp during the day and travel of nights until they had passed the confines of the Ovashsashi country, when they, after selecting a convenient camping place, rested until all the wounded had recovered.

During this detention their hunters had laid in a full supply of fresh meat, which was nicely dried at the camp fires, and packed up for the journey. They set out one fair morning and continued to travel day after day until they reached their respective homes. News of the great victory was sent out to all the neighboring towns and a day was appointed to celebrate a great war dance. The dance took place on Buckatunna, a small river not far from the town in which the most of the warriors that had participated in the late expedition resided. There was a great turn-out and the dance continued three days. They had suspended their 890 scalps on poles in the dance ground. The people counted them and were greatly astonished. They said the like had never been known before, and that the great chief, Apushimataha, as no one could tell from whence he came, must have been sent by the *shilombish chito*, and to destroy the enemies of the Chahta people.

On the first day of the dance Apushimataha made his appearance for the first time at a war dance. But when the orators began to make speeches and to eulogize the great invincible war chief he stealthily glided away and was no more seen at that celebration.

The fame of Apushimataha had reached every portion of the Chahta nation long previous to this wonderful expedition against the Ovashsashi people. And now after his return from that far-off country, bringing back with him nearly a thousand scalps of that exceedingly large and war-like nation, nobody else was talked of. He had become the theme in all their orations and the nations' heart had turned towards and was set upon him as the man who had been sent among them to conquer and drive all enemies of the Chahtas far away from their boundaries.

Apushimataha was not only the idol of his own people, but he had many distinguished friends among his white acquaintances at Mobile among the Spaniards and trading adventurers of other

nations, and among the United States officers at Fort Confederation on the Tombeckbee River. The old chief of the district to which he belonged, Tuscona Hopaia, had called upon him and offered to resign his chieftainship to him. But to this Apushimataha would by no means consent. He was, however, dubbed chief everywhere he went by all the districts and was looked upon as chief by everybody. When Brigadier General James Wilkinson, commissioner for holding conferences with the Indian nation south of the Ohio River called on him as chief at a treaty held at Fort Confederation on the subject of retracing the boundaries, in 1802, to sign the articles, he denied being chief and would not make his mark until Tuscona Hopaia, who was the chief of that district, and two distinguished leaders, had made their marks. Their being four names required he would not sign till the last. When the old chief, Tuscona Hopaia, died, by general consent the district made him chief by acclamation, without consulting him on the subject at all. He yielded to their wishes; they continued to elect him every four years and he faithfully served them as long as he lived.

Soon after he was made chief he attended a treaty of limits between the United States and the Chahta nation, held in Pushapuknuk in the Chahta country, by James Robertson and Silas Dinsmore, commissioners on the part of the United States, and the three chiefs of the nations, Apukshinubi and Mingo Homastubi and our hero, Apushimata. This treaty took place in the autumn of 1805. Apushimataha took a very active part in this treaty, making many speeches, contesting with great force several propositions made by the United States' commissioners. And in all part of the stipulations he manifested the signs of deep thought and of perfect knowledge of the topics that were discussed. He obtained for the scraps of land cut off from the Chahta country by this treaty \$50,500 to pay the debts of the Chahta people, due from them to the merchants and traders with whom they had been dealing; and \$2,500 to John Pitchlynn, United States interpreter, for his services rendered to the United States and for losses he had sustained, besides an annual stipend for the use of the nation of \$3,000 to be paid in such goods as the chiefs should designate, at Philadelphia prices. To this annuity they did not prescribe a limit. He

also at this treaty obtained for each chief \$500 paid down in specie and an annuity of \$150 each during their continuance in office. The commissioners also bestowed on him a heavy medal, which he received without comment, and signed the treaty, last among the chiefs, remarking that the other two had been in office longer than he had. In 1816 at a treaty held at the Chahta trading house by John Coffee, John Rhea and John McKee, commissioners on the part of the United States, the three medal chiefs and a number of leaders and warriors on the part of the Chahtas for the cession of half that tract of country lying in the fork of the Tombeckbee and Tuscaloosa rivers, that had been the cause of so many years' war between the Muskogees and the Chahta nations, Apushimataha was as usual the speaking advocate for the rights of the Chahta people, and he managed by his eloquent speeches and diplomatic tact to obtain a pretty fair remuneration for the disputed territory. He obtained from the United States an annual payment of \$6,000 in cash and \$10,000 in merchandise, which was to be paid immediately on signing the treaty. The treaty was signed and sealed and the goods delivered as fast as possible from the stock of goods then at the trading house.

At a treaty held by General Jackson and General Hinds at Doak Stand, in the Chahta country, during the autumn of 1820, Apushimataha distinguished himself greatly with the two generals by his extraordinary powers; his very correct knowledge of the geography of the far-off country west of the Mississippi River and his astonishing eloquence. They had three excellent interpreters, John Pitchlynn, Middleton Mackey and Edmund Fulsome. All he said was clearly and fairly rendered in good English and General Jackson declared that his speeches on that occasion would have done honor to any man of the age. He regretted that he had not prepared himself with a reporter, as his inimitable figures so beautifully niched in the immense fabric of his exceedingly fine Chahta oratory were certainly a regrettable loss to the literary world. The object the United States had in holding this treaty was to exchange, if they could, all that country where the Chahta and Chickasaw nations now reside and claim west of the Mississippi River for a slip of territory from the lower part of the then

Chahta nation, known as the Big Black country, in the State of Mississippi.

General Jackson had conferred the appointment of Brigadier General on Apushimataha, who, with a brigade of Chahta warriors, had served under Jackson during the war of 1818 against the Creeks, Mikisukies and Aloccheway Indians. He was at the taking of Fort Baranchas, Pensacola and Mobile, distinguishing himself as a discreet commander and courageous warrior. General Jackson was familiarly acquainted with him, and in his opening speech at the treaty ground seemed to point his discourse mainly to Apushimataha, addressing him in the friendly epithet of "Brother Push." A large portion of the nation was in attendance, and after General Jackson had read the commission and the President's letter to them, in a long speech he opened up the object and purposes for which the people of the great and ever friendly nation of Chahtas had been called together. He declared to that very large assembly in which could be seen the faces of many white people who had attended the treaty, "that to promote the civilization of the Chahta people by the establishment of schools among them and to perpetuate them as a nation was a subject of constant solicitude with the President of the United States. It was an object near to his heart.

To enable the President to effectuate this great national and very desirable object, to accommodate the growing State of Mississippi, and thereby secure greater safety and protection to the Chahtas and their seminaries of learning at home, it was proposed by him to exchange for a small part of their land here a large country beyond the Mississippi River where all, who live by hunting and will not work, and who by the nature of their mode of life are widely scattered, may be collected and settled together in a country of tall trees, many water courses, rich lands and high grass abounding in game of all kinds—buffalo, bear, elk, deer, antelope, beaver, turkeys, honey and fruits of many kinds. In this great hunting ground they might be settled near together for protection and be able to pursue their peculiar vocation without danger.

Another great benefit to be derived from this arrangement would be the removal from among the people at home who are

already inclined to progress and civilization of the bad example of those who, in their wild, wandering propensities, do not care for improvement. The project recommended itself to the thinking portion of the industrious community while it would provide ample means for the protection of the careless stragglers of the nation.

The tract of territory which the President proposed to exchange for the Big Black country lay between the Arkansas and Red rivers; it is a large and extensive country. Beginning where the lower boundary line of the Cherokees strikes the Arkansas River, thence up the Canadian to its source, thence due south to the Red River, thence down the Red River to a point three miles below the mouth of Little River, which empties into Red River from the north, thence on a direct line to the beginning.

This extensive rich territory, they were told, was offered in exchange by the President for the little slip of land at the lower part of the present Chahta nation. It is a much larger territory than the whole of the Chahta possessions this side of the Mississippi River and was certainly a very liberal proposition. They were asked, "What say the chiefs and Chahta people to this great offer?"

After the pipe lighters had finished handing the pipes around and order was restored, Apushimataha arose, and addressing himself to his own people first, told them that the man who had just finished his big talk was the great warrior, General Jackson, whom they all had so often heard of, many of them had no doubt seen him and like himself had served under him in many successful battles. His great character as a man and a warrior, in addition to the commission he bore from the President of the United States, demanded from the Chahta people respectful replies to his propositions, and for that purpose he moved that the council adjourn until the middle of the day to-morrow, which motion was carried and the council adjourned accordingly.

The chiefs and headmen went into a secret council that night where they very deliberately discussed the merits of the proposition that had been made by the United States commissioners. They considered it a wise and benevolent proposition, and notwithstanding the land they offered to exchange the large

tract of western territory for was worth more to them at this time than two such countries as the one they were offering, with the Chahtas the thing stood very different, particularly in relation to the fixing of a home for the wandering hunters in the midst of a game country. However good as the proposition was they decided that they must in this case adopt the white man's rules in the transaction and get all they could from them. They recognized the fact that General Jackson was a great man, but in his talk in making the proposition to exchange countries they said he had been guilty of misrepresentations which he knew were such, and others which he was not perhaps apprised of. Their plan was to meet him in the treaty with his own policy and let the hardest reap the profits. If they could do no better they would accept the offer already made. This much and the appointment of Apushimataha to do the talking next day was the result of the secret council.

When at twelve o'clock the next day the council assembled the commissioners enquired of the chiefs if they had come to any conclusions on the subject of the proposition made to them yesterday in relation to the exchange of countries. Apushimataha arose and said that the chiefs and leaders of his country had appointed him to reply to the commissioners on that subject. He remarked that he fully appreciated the magnitude of the proposition and his incompetency to do it justice, especially while in contact with two such master minds as he would have to deal with. He further remarked that when any business was intended to be fairly and honestly transacted it made no difference as to the capacity of the contracting parties. One party might be as great a man as General Jackson, the other a fool, but the result would be the same. The wise man, in such cases would protect the rights of the fool, holding him firm on the safe ground. From what he had already heard he had discovered that this great transaction, now about to take place between friendly nations, who dwell almost in mixed society together, was not to be conducted on those equitable principles and that it would not be safe for him, fool as he was, to rely upon such expectation. He was to come to the contest with such powers as he possesses, do the best he could, and his people must be satisfied and abide the results. The object and benefits

to be derived by the United States were great and very desirable or they would not have sent two of their greatest warrior generals to conduct the treaty in their behalf. He was friendly towards the United States, and particularly so to their two distinguished agents, for he had served under and side by side with them in the hour of peril and deathly strife, and had aided them in the acquisition of Florida and a considerable portion of the Muskogee country with his manhood, as had as many of his countrymen as he could persuade to take part in the dangers of the enterprise. Under all these considerations he intended to strike the bargain in the exchange of countries with them if he could. He thought it was one of those kind of swaps if it could be fairly made that it would accommodate both parties. He should do his best and he hoped to succeed in presenting the thing in such form as to convince the commissioners that further misrepresentation would be entirely unnecessary. He then took his seat calmly, without even a glance from his eyes either towards the red or the white audiences, when General Jackson rose and gravely remarked:

"Brother Push, you have uttered some hard words. You have openly accused me of misrepresentation and indirectly of the desire to defraud the red people in behalf of my government. These are heavy charges, charges of a very serious character. You must explain yourself in a manner that will clear them up or I shall quit you."

Apushimataha arose, took the speakers' stand very deliberately and casting his eyes, which were now beaming with the light that fired his great soul, upon his audience, said:

"As men grow older, especially great men, entralling themselves with much business on the field of growing fame, they become impatient and irritable. They dare not stop on the path of their rushing and varying necessities to parley with the ignorant. They must make short work with all such obstructions. There is no honor in permitting the feeble or the foolish he may meet in his precipitate course to pass. No allowance is to be made or forgiveness offered for him. He must yield to the mere say so of the warily moving seeker of fame or be crushed. I have been making observation on that cast of character a long time, and find but little difference in their public action. In their private intercourse the whole thing is changed.

"My great friend, General Jackson, who familiarly calls me brother, whom my inner soul loveth, and in whose presence I always felt myself a mere boy, has become excited at some of my remarks, and has hastily called on me to explain them, and that explanation must be satisfactory or he will 'quit us,' the meaning of which, as I suppose, is that should I fail to make the *amende honorable* he returns to his government and

informs them that the insulting obstinacy of the Chahta people is such that an honorable treaty cannot be negotiated with them. Then comes the horrors of war against us. All I have to say about it is that I hope they will have the good sense and the justice to put it upon those only who have raised the fuss to do the fighting. It would indeed be a great error in the justice of any government to involve the innocent inhabitants of two nations in the ruinous consequences of war on account of a misunderstanding betwixt two of their ministers.

"You gentlemen, General Jackson and General Hinds, are filling, as I understand from the letter you read before the council yesterday, the place of commissioners from the government of the United States to hold a treaty for certain purposes with the people of the Chahta country. Am I right?" and both the generals nodding assent, Apushimataha resumed and said: "I informed you in the outset, which I here repeat, that I occupy the same position. I, too, have been appointed by my government as commissioner to hold a treaty through you gentlemen with your people. I am therefore your equal, as far as appointment can make us so. I have already recognized your appointment and authority as being in all respects on an equal basis with my own. You, gentlemen, must reciprocate." And he seated himself on the bench with the commissioners, looking remarkably sedate.

General Jackson, in a remarkably good humor, rose and said: "General Apushimataha, in all respects in this treaty we acknowledge you to be vested with powers equal to ourselves and precisely on the same footing in relation to your country that we are to ours. You shall have no complaint to make against us in that respect. And now, as we are all equals, not of our own creation, but by the appointment of our respective nations, you are in a condition to go on and explain wherein I have misrepresented any fact in the propositions I have made in the name of my government. The nature of our position demands it, and we expect it from you."

Apushimataha said: "I shall take much pleasure in my explanation to render a plain and irrefutable interpretation of what I have said, and I will present in a very clear light the misrepresentations in relation to the quality of the country west of the Mississippi and the size of the country outside of the great river by my highly esteemed friend.

"In the first place he speaks of the country he wishes to obtain in the swap as 'a little slip of land at the lower part of the present Chahta nation,' whereas it is a very considerable tract of country. He has designated the boundaries of it himself, and I am very familiar with the entire tract of land it will cut off from us. In the second place, he represented the country he wishes to exchange for the 'little slip' as being a very extensive country 'of tall trees, many water courses, rich lands and high grass, abounding in game of all kinds—buffalo, bear, elk, deer, antelope, beaver, turkeys, honey and fruits of many kinds.' I am also well acquainted with that country. I have hunted there often, have chased the Comanchee and the Ovashsashi over those endless plains, and they have sometimes chased me there. I know the country well. It is indeed a very extensive land, but a vast amount of it is exceedingly poor and sterile, trackless, sandy deserts, nude of vegetation of any kind. As to tall trees, there is no timber anywhere except on the bottom lands, and it is low and boukey even there. The grass is everywhere very short, and for the game it is not plenty, except buffalo and deer. The buffalo in the western portion of the tract described and on the great plains into which it reaches are very numerous and easily taken; antelope, too, are there and deer almost everywhere except in the dry, grassless, sandy deserts. There are but few elk, and the bear are plenty only on Red River bottom lands. Turkeys are plentiful on all the water courses. There are, however, but few beavers, and the honey and fruit are rare things. The bottoms on

the rivers are generally good soil, but liable to inundation during the spring season, and in summers the rivers and creeks dry up or become so salt that the water is awful for use. It is not at these times always salt, but often bitter, and will purge a man like medicine. This account differs widely from the description given by my friend yesterday and constitutes what in my reply to him I styled a misrepresentation. He has proven to me by that misrepresentation and one egregious error that he is entirely ignorant of the geography of the country he is offering to swap, and therefore I shall acquit him of an intention at fraud. The testimony that he bears against himself in regard to his deficiency of a knowledge of the geography of that far off country manifests itself in the fact that he has offered to swap to me an undefined portion of Mexican territory. He offers to run the line up the Canadian River to its source and thence due south to Red River. Now I know that a line running due south from the source of the Canadian would never touch any portion of Red River, but would go into the Mexican possessions beyond the limits even of my geographical knowledge."

General Jackson, interrupting him, said: "See here, Brother Push, you must be mistaken. Look at this map; it will prove to you at once that you are laboring under a great geographical error yourself," and he spread out the map.

Apushimataha examined it very minutely while General Jackson traced out and read the names of the rivers for him. Apushimataha said, "the paper is not true." He then proceeded to mark out on the ground with the handle of the pipe hatchet which he held in his hand while speaking, the Canadian and the upper branches of Red River and said, holding the end of the hatchet handle on the ground:

"Here is the south, and you see the line between the two points do not touch any portion of Red River, and I declare to you that that is the natural position of the country and its water course."

"You must be mistaken," said General Jackson; "at any rate I am willing to make good the proposition I have named."

"Very well," replied Apushimataha, "and you must not be surprised nor think hard of me if I point your attention to another subject within the limits of the country you have designated west of the Mississippi which you do not seem to be apprised of. The lower portion of the land you propose to swap is a pretty good country. It is true that as high up the Arkansas River as Fort Smith the lands are good and timber and water plenty; but there is an objectionable difficulty lying in the way. It was never known before in any treaty made by the United States with the red people that their commissioners were permitted to offer to swap off or sell any portion of their citizens. What I ask to know in the stipulations of the present treaty is whether the American settlers you propose to turn over to us in this exchange of countries are, when we get them in possession, to be considered Indians or white people?"

General Jackson rejoined and told the speaking chief that "As for the white people on the land it was a mere matter of moonshine. There were perhaps a few hunters scattered over the country, and he would have them ordered off."

"I beg your pardon," replied Apushimataha. "There are a great many of them, many of them substantial, well to do settlers, with good houses and productive farms, and they will not be ordered off."

"But," replied General Jackson, "I will send my warriors, and by the eternal I'll drive them into the Mississippi or make them leave it."

"Very well," replied the chief; "and now the matter is settled as far as the land west of the great river is concerned. We will next consider the boundary and country the Chahtas are to give you for it, and if we can agree upon that the trade will be completed. You have defined its boundaries, and they include a very valuable tract of country, of considerable extent, capable of producing corn, cotton, wheat and all the crops the white man cultivates. Now, if we do agree on terms and run this line, it must, as a part of this contract, be very clearly understood, and put on paper in a form that will not die nor wear out, that no other alteration shall be made in the boundaries of that portion of our territory that will remain until the Chahta people are sufficiently progressed in the arts of civilization to become citizens of the State, owning land and homes of their own, on an equal footing with the white people. Then it may be surveyed and the surplus sold for the benefit of the Chahta people."

"That," said General Jackson, "is a magnificent arrangement, and we consent to it readily."

The day being well spent he proposed to the chiefs an adjournment until eleven o'clock the next day. It would give the chiefs and warriors time to discuss and arrange the details of the treaty and opportunity to his secretary for preparing his big paper upon which the articles and stipulations of the great contract between two friendly nations should be placed.

The chiefs assenting, an adjournment took place immediately.

The chiefs and people were highly pleased with the proceedings of the day and they went into secret council where they agreed and arranged what they intended to demand in detail to finish the swap, and put it on Apushimataha to do the talking again the coming day. They were all of opinion that the treaty would be finished in one more day and that it would result favorably to the red people they did not seem to doubt.

As soon as the council opened the next day General Hinds addressed a very friendly talk to the assembled nation. He spoke in the highest terms of their orderly behavior and their friendly deportment. He remarked that it was not only so with their own people, but the smiles and uninterrupted good humor with everybody on the ground was a subject worthy of praise. He said he had been in attendance at many gatherings of the white people, even in their legislative bodies and the great Congress of the United States, and he frankly confessed that he had never witnessed a single instance that would compare with this. It was the first Indian council he had ever

had the good fortune to witness. And so long as he lived he expected to refer to it as a model assembly of order, decency, friendship, sobriety and all that is necessary to assemblies. He declared that he had never seen a larger assembly so well conducted in any country or people, and closed his speech by enquiring of the chiefs if they had any further propositions to make in relation to the treaty.

Apushimataha replied: "I have a few more points to introduce for the consideration of the commissioners, and I make no doubt when I have explained them they will be favorably received. The quantity and the quality of the country that we, should we agree on the terms, are about to relinquish our claim to has already been described. It is a valuable district of rich lands and lies in a position very suitable just now for the people of the State of Mississippi to own. All that, I believe, is well understood by both parties. We, the red people, in our private council last night, took into consideration and discussed the subject as to the amount of inconvenience we shall suffer on this side, and compared it with what may be termed advantages on the other side of the Mississippi. We did it as fairly as we could, and I am instructed to name the terms before the commissioners in council to-day upon which we feel willing to swap countries. In the first place, we shall, in addition to what had been already named and agreed to, as one thing, claim that the United States must furnish those who choose to go west with a good rifle gun, bullet molds, a camp kettle, one blanket, and ammunition to last one year, corn to support them on the journey and one year after getting there. The United States must also send a good man for an agent, a good blacksmith, and furnish a trading house with Indian goods.

"We shall claim in the next place that the United States appoint a good man, to be paid by the United States, whose duty it shall be to use all reasonable exertions to collect the straggling Chahtas and settle them upon the territory west of the Mississippi defined in this treaty.

"In the next place, we claim that out of the lands we are about to swap the United States for, fifty-four sections of a mile square each shall be surveyed and sold to the best bidder by the United States, for the purpose of raising a fund to support the Chahta schools in the western country of the Chahtas, the whole to be placed in the hands of the President of the United States to be dealt out by him for school purposes only in the Chahta nations.

"A good many of our people are dissatisfied with the manner, at the suggestion of the missionaries, in which \$6,000 of their annuity has been taken from them by some of the chiefs. I claim that an additional tract of good land, in the country we are about to swap away, be set apart for raising a sum equal to that given away by the chiefs, so that the whole of the annuity may remain in the nation and be divided among them.

"One more specification and I am done. There are a good many warriors who have not been compensated for their services during the campaign to Pensacola. Pay them, and settle with those who have good houses and are living on the ceded territory, and if you, the commissioners, agree to what I have proposed, it is a bargain."

To all of these propositions the commissioners very readily assented, made satisfactory arrangements with those who resided on the ceded district, added to what Apushimataha had

enumerated several other advantageous stipulations to the Chahtas in regard to their poor, and a few articles to please the missionaries, and the treaty was concluded.

The United States Commissioners first signed, then the three chiefs, after which one hundred leaders and warriors signed it. All were pleased and satisfied.

After the treaty was concluded and signed up, Apushimataha asked the privilege of making a few remarks, before the final break-up of the council, to his white friends and those of his own people who felt disposed to listen to him.

The two commissioners said they would take pleasure in hearing him. All the white people present said they should be delighted at it, and that they would wait with the greatest pleasure.

The Chahta moderators, numbering about twenty steady old men, who had handed pipes and preserved order during the whole time of the council, called the confused assembly to order again, handed round the pipes, at the close of which Apushimataha, after scanning his audience and laying his right hand on his left breast, said:

"My heart throbs with feelings of deepest emotion while in the hearing of my own nation I make in their name to the two distinguished commissioners, General Jackson and General Hinds, and the great number of American people present, the declaration that we feel proud in the acknowledgment of the friendship and protecting care of their great nation, and that pride was increased almost to ecstacy when we heard it read as the last article in the treaty stipulations that that friendship should be perpetual. To me and to my feelings that article is more highly valued than all the balance of the treaty. In the midst of this large assemblage, this ocean of pleasant faces, brilliant eyes, all turned upon me whilst I say it, and the glorious, shining, cloudless sun that rules this bright day, ominous of good, I most solemnly declare that on my part the sacred words 'perpetual friendship' included in the last article of the treaty shall never be violated or suffer the slightest infringement. We have made many treaties with the United States, all conducted in peace and amicably carried out; but this last one, the greatest of all, has been peculiar in its stipulations, giving another and a stronger proof of the fostering care and protecting intentions of the United States towards their Chahta friends. In all our treaties we have been encouraged by them to institute schools, seminaries of learning, urging us to prepare ourselves as fast as possible to become citizens and members of that great nation. In the treaty which has been concluded to-day the subject of schools has been more particularly urged and appropriations more extensively provided than in any former treaty. The applauding murmur on that subject has passed through the camps of the red people. It meets their approbation. They will most certainly succeed. It is a peculiar trait of the Chahta character that all national movements turn out to be successes. I am pleased to hear so many

speaking favorably of the school institutions. It tells me that they will have them. It is a national sentiment; and I here venture the prediction, for I am considered a sort of prophet anyhow, that the day will come, and there are many children and some grown men here to-day who will live to see it, when the highly improved Chahta shall hold office in the councils of the great nation of white people and in their wars with the nations of the earth. Mixed up in the armies of the white man, the fierce war whoop of the Chahta warrior shall strike terror and melt the hearts of an invading foe. Mind that. Apushimataha has this day declared it, and his words of prophecy are not uttered foolishly or trivially. I believe it thoroughly, and the contemplation of the great and so happy a change in condition of my people is cheering to this old heart.

"To my good friends, the commissioners, I may be permitted to say that they have presided over and conducted the treaty with patience, prudence, justice and great ability, and to the sober and exceedingly well behaved white men, spectators of the council, I acknowledge my unfeigned gratitude, and long hence, when far away in my wild forest home, my unerring memory will convey me back to this treaty ground, when, in imagination, I shall greet with deepest feelings of fraternal affection every white man that my good fortune has brought me in contact with while the treaty was in progress.

"Individually, of my greatest and best friend, General Jackson, I shall not speak. My words would fail to express the deep sentiments of respect and fraternal affection I entertain for him. He is my good friend. That must suffice for this time.

"To the chiefs, leaders and warriors of my own countrymen, I may say, return to your homes and forget not the words of this great treaty, to which so many of you subscribed your names with your white brothers to the same big paper this bright day. 'Nuktanla bilia' (perpetual peace) is placed on that paper. You have all agreed to it and manifested your consent by having your names placed on the big paper, where they will remain long after you have all passed away to the good hunting ground. Those names cannot now die, and so long as you live let it not be said that you have deviated in the slightest degree from what you have declared and accepted this day.

"And now, with the strongest desire for the health and prosperity of this great multitude, with the very best feelings towards them, I pronounce that they are, with my hearty thanks, dismissed."

Apushimataha was at many councils and small arrangements with white people about St. Stephens and the United States trading house, which was superintended by George S. Gaines. Being opposed to the missionaries, he made many brilliant speeches and arguments at the councils got up by them for the purpose of enriching themselves at the expense of the nation. Apukshinubi supported the missionary cause, submitting to their unrighteous claims on the people and their many false representations knowingly, for the sake of the small amount of hush money he received from them.

But Apushimataha understood their tricks, and he would not keep secret for them. He warned the Chahtas against their machinations and did what he could to enlighten his people on

the subject. The Chahta people, however, being extremely superstitious, and being greatly frightened at the idea of the *haiyip hitul lakna* (yellow powder lake), many of them were too cowardly to listen to the warning voice of their great chief.

There was a yankee once who visited the Chahta people in search of material to compose a book, and being about the missionary establishments—the missionaries were also yankees—the book man attended one Chahta council, when he heard Apushimataha make one of his flaming speeches. He was so much pleased with the chief and his oratorical ability that he made up his mind to procure the necessary facts and write a history of the great man. He inquired of the missionaries as to his origin and early life. The missionaries knew nothing about it, of course, but they promised the book man that they would procure the information he required the very next day. They told him that Apushimataha was to make another one of his fine speeches the next day and they would prepare another speaking Indian who was friendly to the missionary cause to flatter the old chief a little as soon as he had finished his business speech, and as the old sinner could not resist flattery they would be certain to get the history of his origin. It is true, they said, that his origin is not known to any one alive, and he professed to be proud of the secret, but as we hold the key that will unlock the mystery we will work it out of him to-morrow.

To-morrow came, and after several speeches had been delivered, Apushimataha took the stand and continued to speak at least an hour. He was unusually eloquent, his arguments irresistible and his embellishment unique and unsurpassingly beautiful. The book man said that he had never before heard a speech from any man that would compare with it.

As soon as Apushimataha had taken his seat the chief that had been prepared by the missionaries for the purpose arose, and after a few flattering remarks on the subject of the masterly speech he had just heard, furthermore said that the history of the origin of so great a man should no longer be withheld from his own nation at least. He pressed it upon the chief as a right which his people could in justice claim of him, and he asked it of him in all kindness and in the name of the nation that he avail

himself of the present occasion to rise up and at once relieve the minds of his people on that interesting topic.

Apushimataha immediately responded to this polite request by rising from his seat and taking the speaker's stand. After some few preliminary remarks on the subject of the vanity of aspirants to fame and political egotism, he very gravely delivered himself of the following wonderful account of his origin:

"It was a long time ago; at the season when the glorious sun was pouring down his brightest, balmiest and greatest life-giving influence; when the gay flowers, bedecked in their most gorgeous habiliments, were sweetest, brightest and most numerous; when the joyous birds in full chorus were chanting their gleeful songs of life and love, full of inspiration; when all nature seemed to quiver in rapturous emotion. 'Twas noon. The day was calm and fair and very pleasant. There was a beautiful wide spreading plain, with but few trees on it. One there was of giant size and venerable age. It was a red oak, and its dark waving branches, overshadowing an immense area of the beautiful green plain, had bid defiance and braved unscathed the storms of many winters. There it stood, vast in its proportions, calm in its strength, majestic in its attitude. It had witnessed the rise and fall of many generations of animal life. But everything must have its time, fulfill its destiny. That magnificent red oak, the prominent feature on that far reaching landscape, and had been for centuries, had not accomplished the object for which the great spirit had planted it. There it was in full foliage, casting its dark, widely spreading shadow upon the sunlit plain. All nature was clad in smiles of joy on that bright day. Anon a cloud was rising in the west, a black, angry, threatening cloud, looming upwards and rapidly widening its scowling front. Harshly grumbling as it whirled its black folds onward, nearer and nearer, very soon it overspread the whole heavens, veiling the landscape in utter darkness and appalling uproar. It was a sweeping tornado, fringed with forked lightning, thunders rolling and bellowing; the winds fiercely howled and the solid earth trembled. In the height of this confusion and war of elements a burning flash of fire gleamed through the black obscurity. A shattering crash, followed by a burst of terrific thunder that, heavily rumbling through the surging storm, seemed to shake down the humid contents of the fast rolling cloud in irresistible torrents. Awful sounds assailed the startled senses in all directions as the frightful tornado swiftly swept by in its devastating course. Soon it passed and was all calm again. The sun poured down his beaming rays in their wonted brilliancy; but the vast, time honored sylvan king, the red oak, had been shivered into fragments; its oddshapen splinters lay widely scattered on the rain-beaten plain. Not a vestige remained to mark the spot where once stood that towering tree. Not even a snag of the stump remained. The object of its creation was accomplished, and in its place there was a new thing under the sun! Shall I name it? Equipped and ready for battle, holding in his right hand a ponderous club, standing erect on the place of the demolished red oak, was your dauntless chief, 'Apushimataha.' "

He took his seat without making any further remarks. The missionaries were astounded when they found that the sagacious chief had scented out their secret design and played them off with

so much ingenuity.² The book man said his speeches surpassed anything he had ever heard before, and that it was not only a great pity but it was a damaging loss to the literary world that no one had taken the pains to preserve them. He regretted very much that he was not prepared for it, that he might have preserved the speeches he had heard him deliver at the present council. He had heard them; they were wonderful, and that was about all he should be able to say on the subject.

Apushimataha attended only one more treaty. That treaty was held at Washington City, during which time he died of the croup. His speeches on that occasion were not preserved. On his deathbed he made a speech and it was published, but it has been mislaid or lost and will not appear in this little sketch of his history.

General Jackson and many other United States officers were gathered about the bedside of the dying chief. General Jackson bent over the prostrate form and inquired, "What is the last request of the chief?" "Bury me with the big guns firing over the grave," was the reply.

He was buried at Washington and an artillery salute fired over the grave as requested by the dying warrior. He was buried with all the honors of a brigadier general.

During the year 1812 Tecumseh sent his prophet on a visit to all the southern tribes. He passed through the Chahta nation, called a meeting at several places, where he made speeches and prophesied against the American people, predicting the downfall of the government of the United States, the utter destruction of the white people and there repossession of the whole continent by the red people. He told them also that he was then on his way to the Muskogee nation, that they would join in the great scheme of destroying the white people, and that any tribe of Indians who refused to aid in the restoration of the

²I did not attend many of their councils, consequently did not often hear Apushimataha speak; and of those I did hear, except the above and his speech at the table of the five magistrates in the Atoba case, my notes are all meager, only preserving the substances of his subjects, clothed in my language, which but poorly represents the original. His inimitable eloquence was the theme of conversation with many learned men, and, strange as it may appear, no one that I ever heard of ever attempted to preserve any of his speeches or any facts in relation to his history.

country would be looked upon as enemies and would be destroyed with the white people. The Great Spirit had said it, and it would be so.

The prophet made his first speech in Mushulatubbee's district at the house of Wm. Sternes, who was the public blacksmith. He confused the minds of the people considerably. So much so that John Pitchlynn, United States interpreter, to counteract the demoralizing influence of the prophesies, took the Bible, and reading it at a great many of their towns, showed the wavering people that there would never be any more prophets except false prophets, and the Big Book warned the people against them. They were compared to the blind leading the blind and would all go to ruin together.

The prophet went from the public smithy to the six towns, where he essayed to prophesy for them. He was there met by Apushimataha, who told him that he was a hireling, that his predictions were false, and that he must absent himself from the Chahta country. The prophet took Apushimataha at his word and passed immediately on to the Muskogee country. His prophecies had, however, been favorably received by some of the Chahtas, and forty-five families of them went over and fought with the Muskogeans against the whites. Apushimataha, with a brigade of Chahtas, joined the United States army and was of much assistance to them in the Creek war. As soon as the war had ended Apushimataha hunted up and put to the sword all he could of his traitor countrymen. Most of them, however, escaped, running into the marshy country below Mobile, Ala., where they remain to this day.

Soon after the death of Apushimataha I was down at Mobile, where I met with the leader of the fugitive Chahtas. I told them of the death of the old warrior chief and that they might go home now without any danger. He professed to be very proud of the opportunity to return in peace to his people, and early the next day I saw him coming into the city in front of the whole clan. They were marching in double files, the men in front and the women filling up the rear. There were nearly a hundred of them, and they were clean washed and well dressed in the Chahta costume. When I came near the leader he spoke to me, saying that his people were all greatly rejoiced at the

prospect of returning to their country again, and, as they had no means to travel on, he had conceived of dressing the party in the best they had and make his women and warriors sing through all the streets that day, tell the people that they were going home if he could procure means to buy bread for his women and children on the journey. He said he could talk pretty good English and that he would go from door to door through the whole city and beg the people to give something to aid them on their journey. I told him that it was a good plan and to start the business I would give twenty-five cents. He took it and put it into an empty shot sack which he had in his hand, and the crowd that had gathered around to hear a white man talk Indian, when they found out what was going on all threw in something to the amount perhaps of five or six dollars. They commenced singing and passed on down the streets, telling their story in song, and the leader interpreting the song in as good English as he could, holding the sack to every one he met. They sang and walked the street all the day. I saw them when it was nearly night; he held up his sack showing me that it was nearly full. The next day I saw all the men, leader and all, in town drunk. The leader said to me that he made more money yesterday than he could have made in the Chahta country in a lifetime, and laughed heartily. He said also that his people were all rich and doing well. The women carried fat pine and sold it in town every day and the men hunted and sold a good deal of venison and a great many ducks and fish at good prices, and that they were rich, better off for clothes and provisions than any of the Chahtas in the nation. Upon being asked whose land they lived on he said he could not tell me, but he said:

"It does not matter who the swamp belongs to. No one lives on it, nor does any white man ever go into it. It is all marsh or water, except an occasional dry spot of elevated ground. On these little islands we have our houses and live very comfortably and out of the way of the rest of the world. We have our canoes, and fish and hunt for ducks and other water fowls during the winter, and in the summer we move out of the marshy country into the pine woods lying between here and New Orleans. There it is dry and healthy and game is very plentiful. We shall never go back to the Chahta people again."

They are there yet, 1861.

Apushimataha, when in good society among the white people, deported himself very respectfully, and when he had a good interpreter to talk for him could make himself agreeably interesting.

During the first year of my residence in the Chahta country I finished a large and very excellent building. When it was completed the white people solicited me, for the novelty of having it in the Chahta nation, to give them a ball in the new house. I did so, and invited all three of the chiefs, the old national interpreter, John Pitchlynn, and a good many of the head men. The party was a very full one, well conducted, and it passed off in good style. Notwithstanding that they were often invited, none of the Chahtas, except a few educated half breeds, participated in the dance. They kept their seats, behaving very orderly, and were doubtless highly amused and deeply interested. To them it was a great performance, or a show, the like of which they had never before witnessed.

Apushimataha, after supper was over, desiring to render himself agreeable and to attract attention, as I then supposed, came to me and asked me to talk a little for him. The party being large, I had a good deal to attend to, and the national interpreter, who was a very lively man, being present, I went to him and got him to go and interpret for the chief. Apushimataha, pointing to a group of very finely dressed young ladies, told Pitchlynn, the interpreter, that he desired to have a little talk with them. Pitchlynn agreeing, they approached the group of young ladies and the chief said:

"My friend, the interpreter, has often read in my presence from a big book which has many strange things. Amongst the rest of the very strange account was one about angels. The book said they looked exactly like people, and yet they were so delicate in their formation that the inhabitants of this world could not feel them when they tried to handle them. Now, I have been observing these six bright and most elegantly beautiful beings all night, and I have come to the conclusion that if there are any such beings as angels, a thing I never before credited, these must be some of them. To satisfy my great curiosity on the subject, I solicited my friend to come and talk for me, and to ask the privilege for me to touch the pretty creatures to see if I could feel them."

Pitchlynn told them what he said, and they being greatly flattered readily consented that the chief might satisfy his curiosity by feeling of them. Apushimataha then proceeded in

a most delicate and polite manner possible, using only his thumb and middle finger, to grasp very gently the arm of one of them. After touching them in several places until his hand was nearly at the shoulder, he turned to Pitchlynn and said:

"It's folks, for I can feel it very distinctly, but without the experiment I should never have believed. It is sure enough somebody, and I must say a mighty nice somebody. But perhaps they are not all people; some of them may yet turn out to be *uba hatak* (angels); I must touch all of them before I can be satisfied about it."

And so he paid them the compliment of taking hold of the arm of each of the six young ladies. When he had got through with it he told the interpreter to say to them that he had convinced himself that they were people, inhabitants of earth, a conclusion he should never have been able to come to except by the experiment of actual contact. Pitchlynn delivered his speech to the young ladies and they acknowledged that they felt themselves highly complimented.

With all his good qualities and his extraordinary abilities, Apushimataha was an incorrigible drunkard. He would not touch liquor when any business was on hand. It was only when he was idle that he indulged in drinking. He was quite poor, and did not seem to care for property enough to strive for its accumulation. He made but few debts, and was always very prompt in discharging them at the time of their becoming due.

The few items of history which I have preserved are, as far as I know, all that is now certainly known of that truly great man. I consider it not only a pity but a great wonder that some of those gentlemen about Gainesville (trading house) who were so long and so familiarly acquainted with him did not think of preserving an account of his history. They could all tell many wonderful stories of the actions and public speeches of Apushimataha. Yet they never attempted to place any of it on paper that I ever heard of.

Nitakgachi succeeded Apushimataha and was a very good chief. He was good looking, fine formed, medium sized, a very fluent speaker, and was quite popular both in his own country and among the white people. I never saw him but once and

that was at a large collection of Indians at the Yahnubi old fields. The council was called to consider the propriety of driving the missionaries out of the nation. They had erected a bush arbor that shaded a quarter of an acre of ground. In the center of the arbor was a square vacancy, that admitted the rays of the sun through it to the ground, which illuminated a spot about twelve feet in diameter. Through this vacancy went up a very tall pole upon the top of which floated to the breeze the American flag. I know not where they had procured this flag or who it was that had suggested the idea of the liberty pole. It was there when I arrived. In the sunshine that fell through the hole in the arbor was where those who desired to address the people had to stand while speaking. This had been a custom with the Chahtas from time immemorial. The object was to prevent them from speaking too long.

The audience were all seated in the shade, while the speaker stood in the sunshine. They said they could bear to be comfortably seated in the shade as long as the orator could stand and speak in the hot sunshine.

The day I allude to on Yahnubi was a very hot summer day, and they made about eighty speeches. Of course they were short ones. They had declared independence of the missionary party of Chahtas, which had grown to be quite large and troublesome, and with a few exceptions the speeches that were made that day were simply public declarations of their sentiments in relation to the missionaries.

They had commenced speaking early and by the middle of the day a number of them had already expressed their sentiments on the subject. It was summer time and just about twelve o'clock, when the rays of the meridian sun were falling perpendicularly through the aperture in the arbor, Nitakgachi stepped into the bright spot. He was dressed in full regiments, laces, buttons, epaulettes, bright and sparkling in the sunshine, had a fine effect, and the murmur of admiration arose universally from the seated multitude. He cast his eyes around upon his extensive audience, and was in the act of commencing his speech when a little flow of wind whirled the flag around, casting its shadow upon him. He very deliberately turned up

his face, and, fixing his eyes, gazed on the flag for nearly a minute. Then, turning to his audience, he exclaimed:

"I feel proud that the shadow of the flag falls upon me this clear day—that beautiful ensign of the truly great nation. I have been informed by men who know that the shadow of that flag falls upon every land under the sun, and that it is a free pass, and is hailed with respect by all the nations of the earth. It is looked upon as the ensign of liberty by all peoples; and as a token of respect to the wonderful nation whose flag it is, we, too, have adopted it as the ensign of liberty and independence which we shall declare and make known this auspicious day. I look upon the blue sky; it is clear; not a speck of cloud is seen in any direction. The bright sun pours down his flashing rays unobstructed, save by the waving folds of the great nation's flag, and I am enveloped in its shadow. I take it for a good omen; therefore I feel proud. The Great Spirit has swept the vaulted sky of every speck of cloud; he has made the sun brighter than ordinary on this occasion, and he has sent a little breath of wind to throw the shadow of that great symbol of liberty upon me to assure me of his approbation of the principle I am about to declare. Therefore I repeat it, that I am proud that the shadow of the flag of liberty falls upon me this day."

He then went on speaking on the subject that had been the cause of the meeting.

Nitakgachi went with his people when they were removed west of the Mississippi, and that ends my knowledge of him.

There were several other fine speakers at Yanubi old fields that day, and some of them so nearly imitated Apushimataha in their gestures and the sound of their voices that I was forcibly struck with them, and on making inquiries in relation to who they were, I was told that Apushimataha, during his lifetime, kept a regular school of oratory and that these fine speakers were some of his students. A thing I was not before apprised of.

Mashulatubbee's mouthpiece, Aiahokatubi, was a fluent speaker and a close, cogent, reasoning orator. He was of the philosophic turn of mind, and seemed to enjoy himself best when alone. He was seldom seen except at their councils, and then was rarely heard to say anything. He spoke only when he was called upon by his chief, and then everybody crowded up to hear him. His attitude, gesticulation, the musical tones of his voice and his great reasoning powers placed him in my estimation as an orator second only to Apushimataha. He was an unbeliever in the missionary dogmas, and as he would on all public occasions express boldly his irreligious science, he gave the missionaries considerable trouble.

There were many more quite conspicuous and very good men in the Chahta nation at the time I resided there, whose history would be interesting to any inquiring mind. All of which, however, is forever lost. I remember the names of only a few of them. There was General Hlikooohlo (humming bird), Captain Nashobanowa (walking wolf), Peachlichiiskitina (little leader), and many more whose names would not now interest the reader.

They were all warriors, a title none could bear until he had killed somebody in battle, then the war name that is bestowed by the *Ishlahullo* only tells how the killing was performed. As Piantubbi (hallo and kill it), Hablautibi (kick and kill), Filematubi (turn back and kill), etc., ubi is to kill, and nearly all war names end with ubi.

A TRIP THROUGH THE PINEY WOODS.¹

BY J. F. H. CLAIBORNE.²

We have returned to our post, after a delightful tour through the whole tier of counties lying between this and Alabama. We traveled with Messrs. Gwin and Freeman (who had made appointments to speak in twelve counties), and this gave us opportunity of seeing large masses of the people.³ We everywhere found a warm and hospitable reception, and felt the highest gratification in taking by the hands hundreds of our true-hearted and confiding friends. In the eastern counties

¹The sketches here reproduced constitute the most entertaining, though perhaps the least generally known, contributions which Col. Claiborne has made to Mississippi history. They were published in 1841-2 in a paper (*Natchez Free Trader and Gazette*) of which he was then junior editor. They contain the best portrayal of the industrial and social conditions and the home life of the people who lived in the great pine region of Mississippi in the forties. Having originally appeared in ephemeral form, they have been well-nigh lost to students of Mississippi history for more than half a century.—EDITOR.

²A biographical sketch of Col. Claiborne will be found in the *Publications of the Mississippi Historical Society*, Vol. VII, pp. 217-244.—EDITOR.

³The following extract from the copy of the *Free Trader* in which the opening sketch of this series appeared relates to the canvass that was the occasion for the trip here narrated:

"*The Canvass.*—Messrs. Gwin and Freeman have made a glorious campaign through twelve counties, and are by this time at Vicksburg, from whence they will make a new series of appointments, as they are resolved to visit every county in the State. The people of eastern Mississippi crowded to hear them. Dr. GWIN generally spoke from an hour to an hour and a half. He affected no rhetoric, but spoke in a plain, forcible, pointed style, as one deeply convinced himself of the truth of his remarks and the importance of his subject. There was no rant, no passion, no abuse. His speeches consisted of simple statements of facts, with strong and well supported deductions drawn therefrom, showing the condition of the country, the state of parties, and the evils likely to accrue to the people, and especially to the South, should the present party in power remain in the ascendant. We observe that several of the Whig papers taunt Dr. Gwin with inability to discuss political topics. He might say to them like a celebrated Athenian, "Strike, but *hear me!*" They have never *heard* the Democratic candidate. His speeches show certainly that he is no practical speaker; he has not been schooled in the courts of law; but they evince a flow of correct language, a familiarity with political history, and a capacity to reason strongly and forcibly on any subject that would be creditable to any man in the State. Dr. Gwin, no one can doubt, is a man of keen and strong intellect, of extensive general information, with a gift of *improvability* in a high degree, and before this canvass closes he will stand far above mediocrity—far above a mere lawyer—as a public speaker. We can assure our friends with confidence that their candidate will make himself heard and speaks with

hospitality is a primitive and cardinal virtue. It is handed down in its old fashioned kindness and profusion, from father to son—and the good old customs of Virginia and Carolina still prevail. There is no distinction of party on this subject—Democrats welcome Whigs, and Whigs Democrats—all are alike kind and attentive to the stranger. Our own political friends were all enthusiasm at home and abroad; our Whig friends would rub us severely at the court-houses and hotels; but the moment we crossed their thresholds politics ceased, and all was good feeling, attention and abundance. Many blessings on this generous and untainted people—untainted by sordid refinements, that fritter hospitality down through selfishness—uncorrupted by pursuits and associations, that, too often, render *society* heartless and deceitful.

But little is known in this portion of the State of the conditions, manners and resources of the East. There is little intercourse between the two sections, yet there is no more interesting region. We will, in a few days, lay before our readers some extracts from the note-book of our late excursion.⁴

effect and vigor before any audience. He made, throughout his tour, a most favorable impression and laid the foundations of a deep and abiding popularity.

"MR. FREEMAN is an orator of the first class, and no one who hears his forensic displays will dispute it. He confines himself exclusively to the subject of the State bonds, and was generally two hours and a half upon the stand. His manner is composed, chaste and suited to the tenor of his subject; his gestures expressive, his language eminently beautiful, his arguments, as we think, beyond refutation, and his appeals to his audience affecting, eloquent and exciting. We write this entirely aside from the partiality of friendship, and express candidly the impressions left on our mind after hearing from Mr. F. ten consecutive discourses. He has established in the east a most enviable reputation as a debater, and we doubt not he will make the same impression wherever he goes. We have always ranked MR. S. S. PRENTISS as the first orator of this State for stretch of thought, burning words, richness of imagery, severe invective and force of manner, perhaps excelled by no man in the Union, certainly by no man of his age; yet on this bond question we would willingly pit Mr. Freeman against him. We *feel* certain that he would come out of the contest triumphantly. Until we heard Mr. F. we had many doubts on the question; we were once entirely on the other side of the house; but those doubts and scruples were all removed by the powerful reasoning of the orator on the subject. We would cheerfully visit Vicksburg to hear Mr. Prentiss on this question, and in turn we ask the editor of the *Whig* to give Mr. Freeman a fair and candid hearing.

"As to public sentiment in the east, we think that ninety-nine hundredths of the people are anti-bond payers."

⁴The above sketch was published in the *Free Trader and Daily Gazette* of July 28, 1841.

July 5th.—Passed the beautiful country seat of Judge Turner, in Franklin County. The grounds are laid out with great taste and expense, and present, we are told, the best specimen in the State of English *landscape* gardening. Mr. Turner—now one of the judges of the High Court of Errors and Appeals—is the patriarch of the Mississippi bar, having come here in Territorial times, and held at different periods the station of Judge of the Circuit and Criminal Courts, Attorney General, Chancellor, &c. The Natchez bar, in the olden times, as at present, could boast a weight of talent, surpassed in few cities of the Union. The compeers of Judge Turner, John Taylor, Lyman Harding, the late Judges Simpson and Shields, Gov. Poindexter, Charles B. Green, Thomas B. Reid, Joshua Childs, and others, whose names do not occur to us this moment, were men of profound learning, and some of them of great ability. At a period somewhat later, Christopher Rankin, Bela Metcalfe, R. Stockton, William B. Griffith, R. H. Adams, D. S. Walker, F. Winston, Wm. Daingerfield, Henry Cox, S. M. Grayson, and others, appeared at our bar. Alas! they soon ran their meteor course. Out of all those we have mentioned, but *two* survive. The mortality among the lawyers of this city is remarkable. "Death loves a shining mark." At no distant day, we intend to draw up biographical sketches of these distinguished ornaments of the profession. We have a distinct recollection of them all on the bench, the bar and the hustings. Their eloquent accents still ring in our ear. Their pathos, their cutting repartee, their fun of circuit anecdotes, still dwell on our memory with a lasting impression of boyhood, and we are sure our readers will feel interested in details full of the incident, the adventure, romance and vicissitude that checked the lives of some of these distinguished men, more than one of whom rose from poverty to wealth, from obscurity to distinction, and fought their way to the eagle eyes of human ambition, through the furnace of detraction and opposition to fall, as it were, at the very moment of their triumph, before the scythe of the spoiler. The fate of Reed, Rankin and Adams, impress this lesson strongly on the mind. They literally forced their way up to exalted station, against the drawbacks of poverty and opposition, and perished just as they attained it. The same fatality

attended the lamented Griffith, Walker, Stockton, Grayson, Daingerfield and others, who were swept off as they planted their aspiring feet on the higher platforms of professional renown. But we pass on for the present, from a subject suggested by the mention of Judge Turner, who has outlived nearly all his early associates, and still seems in the enjoyment of robust health and vigorous intellect.

Our first night was spent at Mrs. Ray's, a spacious Inn at the junction of the Gallatin and Monticello roads, and immediately on the Natchez Railroad. We know of no place where the traveller is made more comfortable. Roomy apartments, luxurious beds, a table bountifully and delicately spread, a hostess of the kindest disposition and most engaging manner, a fine gushing spring, with no scarcity of madeira, claret and Monongohala to render your libations more generous—these form a *tout ensemble* rarely to be found at a country ordinary. What a delightful excursion for our citizens in the balmy periods of the season, a strawberry hunt near Mrs. Ray's, and a picnic in the magnificent pine forest about there! Who could not be eloquent? What lover could not woo and win, with a fine girl stooping to gather the ruby fruit, not half so rich as the blush upon her cheek? And then, there are huckleberries near Mrs. Ray's. Why, the heart of a mountaineer would leap at the very idea! There is to him poetry in the thought. The days of young romance come back dancing upon the memory, gilded with sun-lit recollections of his early home—his first idolatry of woman, whose sainted image nor time, nor distance, nor other attachments, nor the "sere and yellow leaf" of misfortune, have been able to tear from its resting place. How many destinies are fixed for life, hearts cemented into one, in the colder North, in these autumn rambles over the sunny side of the mountain—these annual fruit-gatherings! But here is another attraction to Mrs. Ray's. Winter is coming; we have no sleigh rides; no music of the merry bells, as they sweep, like Laplanders, over the glassy valleys, reflecting back the joyous moonbeams and the smiling stars. This is not vouchsafed to us; but how delightful to wrap up in warm furs, and glide along in the cars, with the melody of clarionet and horn, flinging back their cheering echoes from the hills, to a ball at that pleasant

inn, with a glorious supper of oysters and chicken salad, turkeys, terrapin and champagné! Why, it would be almost as pleasant as a New England sleigh ride! Now that there is a suspension of arms, and politics for the moment is not *the* thing, we should look around us, and see how many sources of enjoyment and of improvement are within our reach.⁵

July 6th.—From Mrs. Ray's passed on to Meadville, the county seat of Franklin, once a pretty village stretching along the road for a quarter of a mile, and fringed with white cottages and beautiful trees, but now in a state of dilapidation and decline. The palsyng hand of time has shaken it to pieces.

The place was named in honor of a gentleman who still survives—one of the few memorials of territorial days—General Cowles Mead, at present a citizen of Hinds County. He has played no mean figure in the game of politics, and was at one period among the most prominent characters in the South. He emigrated when very young from Virginia to Georgia. In 1805 he had a violent contest with Thomas Spaulding, Esq., a very wealthy and able politician of Georgia, and was returned to Congress. Mr. Spaulding, however, contested the election. It appears that the law of Georgia requires all the returns to be made to the Governor within twenty days after the election; that three counties failed to make their returns within the prescribed period, whereupon the Governor proclaimed that Mr. Mead was elected by a majority of 169 votes, and gave him his certificate of election. It was established on the part of the petition, that a tremendous hurricane prevented the returns from those three counties in time, and that if counted, they would give him a majority of thirty-nine votes over the sitting member. The committee reported in favor of the claimant, and after a debate of two days, the House sustained the report by a vote of sixty-six to fifty-two. See *National Intelligencer* for 1806. President Jefferson soon afterwards appointed Mr. Mead Secretary of the Mississippi Territory. The seat of government was then at Washington, and Robert Williams, who died a few years since in Louisiana, Governor. The reputation of Mr. Mead preceded him. When he arrived

⁵ The second sketch, embraced between references "4" and "5," appeared in the *Free Trader and Daily Gazette* for November 8, 1841.

a public dinner was given him at Fletcher's old tavern, then the headquarters at Washington, and he made his speech, which the chronicles of that venerable village say has never been equalled on such occasions. His conversational powers and talent for declamation have rarely been surpassed. Indeed the great drawback upon Mr. Mead's influence has been the licentiousness of a poetic imagination. He never could restrain it enough to appear *practical*; his style savored too much of *Bombastes Furioso*; his speeches were a succession of beautiful pictures, instead of dry commentary, and hence, although unquestionably a man of genius, he was considered a *visionary*, and had frequently the mortification to find himself outstripped by very inferior men. In these utilitarian times, however, this is no uncommon instance. No politician now should venture to be eloquent. Rhetoric is fatal to success. We doubt very much whether Mr. Burke himself, with his profusion of metaphors, so elaborated and settled, would be duly appreciated. Men would not pause to scan the deep philosophy and profound wisdom that repose at the bottom of his figures—they would skim over the surface and pronounce him—the most original and prophetic thinker of his generation—a superficial writer. This is the consolation of obtuse intellects. *Stupidity*, as solemn and as useless as a Chinese Mandarin, will look grave and shake its head wisely over the most splendid efforts of a cultivated mind and a refined taste; and the various commonplace, the most naked truisms, are preferred to those beautiful thoughts, that come burning from the soul, lit up with the fires of genius and warmed by the sunset glow of a poetic imagination. It was upon this rock that Mr. Mead wrecked himself. His speeches in the Legislature and in the Convention of 1817, always produced a sensation, but seldom exercised any influence, and his name is generally found in the minority. He scattered gems from the cornucopia of his genius until the circle around him grew bright and dazzling; but like phosphorescent fires, his eloquence left no impression, and the recollection of it ceased with the melody of his tones. Mr. Mead however was notwithstanding popular with the people; he was an ardent Jeffersonian, and would have been elected to Congress from the territory but for one fatal error he committed. In 1812 or

1813, we think, during the war, while he was stationed at Baton Rouge in command of a battalion of militia, he was reluctantly induced by his political friends in the territory, to throw up his command, and return home to canvass for Congress. The movement was fatal to him; his opponent, the late Christopher Rankin, a practical and able man in every sense of the word, then a young attorney of Amite, was elected by a large majority and Col. Mead never recovered his popularity. It is due to the Colonel to say, that he incurred his martyrdom for *his party*, but, entirely against his own individual inclination and judgment. Subsequently, under the State administration, Gen. Mead presided over the House of Representatives with much grace and eminent ability. He is universally admitted to have been the most courtly, able and prompt speaker that ever occupied the chair of our House of Representatives. We will relate a remarkable incident—one without parallel in legislative history—to show the reputation he had acquired for parliamentary learning. Several years ago—some time after Gen. Mead had sought that retirement which he still preserves—a few days after the organization of the House a question of order arose of a very complicated nature, which was debated at length. The House, composed for the most part of young members, soon lost its temper and fell into confusion. The Speaker himself, though a man of strong mind and very clear judgment, was then unpracticed in the *Lex Parliamentaria*, and seemed at a loss. Finally when the confusion was greatest, and the difficulty began to look like a Gordian knot, the junior editor of this paper (then the first time a Representative from this county), seeing Gen. Mead in the lobby, addressed the chair, pronounced an eulogy on his well-known intimacy with the rules of debate, and moved that *he be invited to express his views on the question*. The motion was carried unanimously, when the General took the floor and in a speech of fifteen minutes elucidated the subject. His suggestions were immediately adopted, and the House proceeded in its business. We may safely say that a similar tribute to this was never paid to an ex-member by a legislative body.

It is chiefly, however, in connection with the arrest of the celebrated *Aaron Burr* that Mr. Mead, then Secretary of the

Mississippi Territory, and exercising the functions of Governor (in the absence of that officer, who had gone to North Carolina for his family), has claims on our attention. In this respect, his acts and his character are *historical*. We will glance at them in a future number.⁶

We do not propose to enter here into any detailed history of Burr's alleged conspiracy. We reserve that for another place, and will merely glance at a few incidents the mention of General Mead and the scenes and associations around us suggest. In the fall of 1805 great uneasiness prevailed throughout the Union, occasioned by the rumor that Colonel Burr was preparing to descend the Ohio and Cumberland Rivers with a formidable flotilla, with the view of seizing upon New Orleans, and ultimately dismembering the western from the Atlantic States. The proclamation of President Jefferson had reached this Territory; some statements made by General Wilkinson had found their way to the public, and as the winter approached a general anxiety and apprehension prevailed in this infant Territory. At this distant day, when we *know* how feeble the force really was with which Colonel Burr descended the Mississippi, the alarm that pervaded the Territory seems almost ludicrous; but this was then a remote settlement, and the accounts of his force that reached here were greatly exaggerated. Colonel Burr, with five or six boats, arrived at the mouth of Bayou Pierre, early in January, 1807, and anchored on the Louisiana shore. He paid a visit to the late Judge Bruin at Bruinsburg, and there learned for the first time that the Territorial authorities would oppose his descent. He immediately wrote to Cowles Mead, the acting Governor, disclaiming any treasonable intent, and avowing his object to be a settlement on the Washita. Mr. Mead, however, participating in the general suspicion, and determined to be upon his guard, addressed the following note from the executive chamber in the town of Washington to the senior military officer of this district:

"Sir — Business of the first magnitude requires your attention at headquarters. You will repair here at midnight. Let not suspicion

⁶The sketch embraced between references "5" and "6" was published in the *Free Trader and Gazette* of November 9, 1841.

even conjecture where you are bound. The fate of the country may depend upon my movement.

"COWLES MEAD.

"To Col. F. L. Claiborne."

Mr. Mead evidently believed when he sent this dispatch that Colonel Burr was at Bayou Pierre, merely with an advanced guard, to divest the authorities of apprehension, and that the bulk of his force was in the rear. On the 14th of January he very clearly indicated his opinions in the following letters:

"WASHINGTON, Jan. 14, 1807.

"SIR—More rumors tell us that Burr is *reinforcing* at Bayou Pierre. My solicitude will induce me to repair immediately to the scene of action. You will, therefore, send to Greenville, by horses or carts, 1,000 lbs. of powder, and as much lead as you can conveniently spare. To-morrow, at daylight, I shall leave this place, escorted by Captain Farrar's horse. I shall likewise issue orders to the whole militia of Jefferson and Claiborne to rendezvous at their respective places of parade, at which I attend, in my course to Bayou Pierre. The whole militia of this county you will order to some place of rendezvous to wait further orders.

Very respectfully,

"COWLES MEAD.

"To F. L. Claiborne,

"Col. 1st Regiment."

"WASHINGTON, 14th Jan., 1807, 3 o'clock P. M.

"SIR—On the subject of your leaving Natchez to march at once on Bayou Pierre, I think it imprudent until we are better informed of the views and strength of Burr. I despatched an express to Col. Fitzpatrick yesterday, who would reach that officer last night. Maj. Bowmar left headquarters this morning at daylight for the Bayou Pierre, with all the orders and powers he may deem proper to employ. I wish you to collect and organize the militia of the first regiment, and attend to their discipline. Should Col. Burr make an establishment at Bayou Pierre, his force may require for us the aid of the regiments below. To be prepared to obtain this aid promptly is our policy. A division of our forces might be fatal. You will, therefore, decline the intention of marching until I have been informed from above; but, at the same time, continue your exertions for the raising and equipping every man of your regiment who can shoulder a fire-lock. I shall detain Capt. Abrams an hour or two. I am anxious to hear from above before I move.

Very respectfully,

COWLES MEAD.

"Col. Claiborne."

On the 15th the acting Governor repaired to Greenville, and to the mouth of Coles Creek, where the militia, under the command of Colonel Fitzpatrick and Lieutenant-Colonel Flehart, were stationed, it being determined upon to intercept the flotilla of Burr at that point. Here Mr. Mead addressed the troops and dispatched his aide-de-camps, the Hon. Geo. Poin-

dexter and the late Judge Wm. B. Shields, to propose terms to Colonel Burr. They were accompanied by Colonel Fitzpatrick. On the morning of the 16th they reached the bank opposite the boats, and a skiff was immediately sent over for them. They were met by Colonel Burr, to whom Major Shields handed a letter from Mr. Mead explaining the object of the visit. Colonel Burr immediately and with a sneer ridiculed the idea of his meditating any views against the tranquility of the Territory; declared that he would have proceeded forthwith into the Territory on his arrival at Bayou Pierre to meet the Governor but for his fear of assassination; denounced General Wilkinson as a traitor and made use of these remarkable words in relation to that officer: "*If I am sacrificed my port-folio will prove him to be a villian.*" At this instant of time the conversation was interrupted by a gallant attempt made by Lieutenant Patterson of the Claiborne militia to capture a portion of Burr's forces. Lieutenant Patterson, who had been reconnoitering for some days had anchored his boat behind a willow point, so as to conceal it from observation. Perceiving that the majority of Burr's men had left their boats and dispersed themselves in the woods, he pushed his boat out in the stream and landed about 200 yards below with thirty well armed and resolute men. Davis Floyd, a bold and daring man, immediately approached Colonel Burr, who was yet standing with the commissioners, and asked permission to drive back this armed band. Colonel Burr requested Colonel Fitzpatrick to interfere and Lieutenant Patterson was ordered to desist and to repair with his command to the mouth of Coles Creek.

The conversation was then resumed between Burr and the commissioners. Colonel Burr pointed to his boats and asked if there was anything military in their appearance. The commissioners remarked that they did not look like agriculturalists; that they were just such men as might be expected to be about a camp. They then informed him the militia had been ordered out to oppose his farther progress. He replied that he was willing to submit to the civil authorities, and proposed that an interview should take place between him and the acting Governor on the next day at some convenient place in the Territory, and that the commissioners should guarantee his safety

in the meantime, and restore him to his boats if Mr. Mead should accept his surrender to the civil authority; that his boats and crew should keep the position they then occupied until after the proposed interview took place, and that in the meantime they should not be attacked nor commit a breach of the peace nor violate any of the laws. The proposition was committed to writing and accepted and the house of the late Thomas Calvit, near the mouth of Coles Creek, where a detachment of troops under Colonel Claiborne was stationed, was designated for the interview. On the 17th of January Burr, accompanied by Colonel Fitzpatrick, descended the river to the mouth of Coles Creek, where he was received by Captain Davidson's company of dragoons and conducted to the house of Mr. Calvit. Mr. Mead immediately proposed, 1. That the agreement entered into with Messrs. Poindexter and Shields should be declared void; 2. That Burr should surrender himself unconditionally to the civil authority and proceed directly to the town of Washington; 3. That his boats should be searched and all military apparatus found disposed of as the government should think fit.⁷ To these terms Mr. Mead required an unequivocal reply in fifteen minutes, with the understanding that if Burr declined them he was to be instantly returned to his boats and the troops ordered to seize him and his party by force of arms. The terms were accepted, Burr, however, strongly protesting against being permitted in any way to fall into the power of General Wilkinson. He received, it is believed, satisfactory assurances from the acting Governor on

⁷At Burr's trial in Richmond, in May, 1807, Jacob Dunbaugh, a sergeant in the U. S. Army, who got a furlough from his commanding officer at Fort Massac for twenty days, and joined Colonel Burr, swore that the night the boats left Petit Gulf for Coles Creek he saw a man named Wylie pass into the stern of Colonel Burr's boat with an augur and hand-axe, and that shortly afterwards he saw several bundles of muskets sunk by cords through holes made at the gunwales of Colonel Burr's boat.

When Colonel Fitzpatrick and four other gentlemen searched the boats under the stipulation made with the acting Governor, they discovered very few arms, not more than would be wanted for an agricultural settlement.

It is proper to add that Dunbaugh appears to have been a perjured witness, a good deal under the influence of General Wilkinson, who strained every nerve to convict Burr.

this head, and was forthwith escorted to Washington by Mr. Poindexter and Major Shields.⁸

The arrival of Burr at Washington and his surrender to the civil authorities did not entirely remove the alarm that seems to have pervaded the Territory. A number of his own followers, many of whom were ignorant of his real designs, had dispersed themselves through the country, and among the citizens of the Territory there were some who, either fascinated by his talents and seductive address, or regarding him as a persecuted patriot, or influenced by the spirit of party, were disposed to sustain him. Some there were, of course, the vultures of society, who loudly maintained his cause because they were eager to unite in the scheme of rapine and plunder, which, it was supposed, he had in view. Rumors calculated to alarm the public mind continued to prevail. The late Henry Turner, then postmaster of this city, received a letter from the postmaster of Nashville stating that 2,000 of Burr's men were on their way down the river, and the following, among other letters, was addressed to the acting Governor:

"PETIT GULF [now Rodney], 20th January, 1807.

"SIR—To-day Capt. W. Calvin, from Pennsylvania, informs me on an oath, that *twelve* boats of Burr's are in two days' sail of this place, loaded with arms, ammunition and provisions. When I heard your speech at Coles Creek all my doubts were removed, and I am now satisfied that the boats in our care at this place (*viz.*, those Colonel Burr left there when he surrendered himself) only wait the arrival of the rest. Your Excellency, I trust, will take such steps as will remove those from this place lower down, to prevent their reinforcement. The number of men here under my command is only twenty odd, and much worn out. I await your Excellency's order.

"J. L. PATTERSON, Lieut.

"By order of Maj. Fleharty."

On the same day the acting Governor thought it necessary to address the following note to the senior military officer of the district:

"WASHINGTON, 20th Jan., 1807.

"SIR—Having heard that the house of Mr. _____ is made the receptacle of discontent, and finding a restlessness prevalent with certain characters, I advise you hereof, and authorize you to increase your guard, if you deem proper. Be vigilant. My reliance is on you. Direct Mr. Snider to supply thirty men at Fort Dearborn with rations for one week.
"COWLES MEAD."

⁸The sketch embraced between reference "6" and "8" was published in the *Free Trader and Gazette* of November 12, 1841.

The excitement, however, still increased, and the Governor deemed it his duty to resort to *very strong* measures, as the following order will show:

"WASHINGTON, Jan. 22d, 1807.

"SIR—Finding that some restless spirits are about who evince a hostile disposition to the views of the government, and favorable to the designs of a man now in the custody of the law, I have thought proper, from these causes, to order you to apprehend every person of this description and take them before a civil officer, where, if you can substantiate the same by affidavit, you will send them out here to Judge Rodney, under guard or otherwise, and aid on all occasions the civil authority in keeping the peace and coercing respect to the laws. You will, in this, pay every respect to the laws of your country, and require all others to do the same. The number of Burr's friends requires much vigilance—their licentiousness must be curbed.

"COWLES MEAD.

"To the Colonel commanding 1st Regiment M. M."

Under this order a number of persons were seized at various times, but subsequently discharged.

In the meantime, as soon as Colonel Burr reached the town of Washington, he was handed over to the custody of the law, and Mr. Poindexter, then Attorney-General, was called on for his written opinion as to the course to be pursued towards the prisoner. His opinion was that there was no evidence to convict Colonel Burr of any offense in the Mississippi Territory; that the Supreme Court of the Territory, to which a jury was about to be summoned, had no original jurisdiction of any prosecution, and could only take cognizance of points of law reserved at the trial in the Circuit Court; that, therefore, Burr ought to be sent under a sufficient guard to the city of Washington, where the Supreme Court of the United States would be in session and could direct the accused to be tried in the district where, from the evidences, it might appear that an overt act of treason had been committed. Judge Rodney, however, thought differently, and a *venire facias* was issued, requiring the attendance of seventy-six jurors at an adjourned session of the Supreme Court of the Mississippi Territory. From these a grand jury was selected, which was charged by Judge Rodney and adjourned until next day. On the following morning the Attorney-General moved to discharge the grand jury, 1st, because the court did not possess original jurisdiction in any case; 2d, because the depositions did not contain sufficient evidence

to convict Colonel Burr of the offenses with which he was charged, so as to bring them within the Territory; 3d, that a warrant might issue, transmitting the accused to a court having competent jurisdiction to try and punish him, if guilty of the crime alleged against him. This motion Mr. Poindexter supported in an argument of great ability, but the court dividing upon it, it was overruled.⁹ The grand jury then retired. The Attorney-General declined to prefer an indictment and left the court-house, whence he did not return until summoned by the court. He was desired by the court to examine the presentments of the grand jury, when he found to his surprise that that body had presented the acting Governor for calling out the militia, the manner in which Colonel Burr had been induced to surrender to the civil authority, the proceedings at New Orleans, and perhaps the conduct of President Jefferson in taking steps to crush the imputed operations of Burr. The Attorney-General declared he would only notice these presentments to denounce them as unwarrantable. It is proper to add, that a portion of the grand jury dissented from these proceedings and withheld their signatures from them. Judge Rodney likewise censured that body. On the evening of the same day Colonel Burr went to the residence of the late Benijah Osmun, three miles south of Washington (the plantation at present of Mrs. James Smith), upon the pretext of spending the night. Colonel Osmun was a native of New Jersey, had been in the army of the revolution, was a gentleman of high character, federal in politics, and strongly attached, from early associations, to Colonel Burr. He and the late Lyman Harding of Natchez, one of the most profound and subtle lawyers that ever practiced at our bar, were the securities on Burr's recognizance. When it was ascertained that Colonel Burr had left Colonel Osmun's and had not

⁹The court was composed of Judges Rodney and Bruin. The former was a native of Delaware, had been an officer of the revolution and lived and died here beloved and venerated by the community. The latter seems to have been suspected of an undue bias for Colonel Burr, but this arose, in our view, more from political prepossessions and the singular influence Burr was capable of exercising over his associates, than from any want of integrity. However, from the date of Colonel Burr's visit to him, he lost the confidence of the people, and on the 11th of April, 1808, the Legislative Council of the Mississippi Territory, by resolution, solicited his removal from office.

returned to Washington the Attorney-General had a judgment *nisi* entered on the recognizance, a *scire facias* was issued against Harding and Osmun, but, we believe, the proceedings were subsequently quashed on the ground of informality. The fact is, Mr. Harding outwitted the venerable Judge Rodney at the onset. When Osmun and himself appeared before him with the prisoner, Mr. Harding sat down to draw the recognizance, and after beginning it said it was useless to go through with it, that they would acknowledge themselves bound before him and he might make out the instrument in due form at his leisure, so the recognizance was not reduced to writing until the departure of Colonel Burr from the presence of the Judge.

It will be remembered that when Burr surrendered to the authorities of this Territory he earnestly stipulated that he should not be placed or permitted to fall in the hands of General Wilkinson, who was then in command of the western military division of the United States, and had removed his headquarters from Natchitoches to New Orleans. This stipulation, it is believed, Mr. Meade, the acting Governor, and afterwards Robert Williams (who arrived about the time of Burr's surrender), the Governor, intended in good faith to respect; but General Wilkinson, influenced in part by private motives and by instructions from President Jefferson, which have never yet been published, and stimulated by an agent of the government (the late John Graham, then Secretary of the Territory of Orleans, afterwards Chief Clerk in the Department of State and Commissioner of the General Land Office) who had, under instructions from the Secretary of State, followed Burr through the western country and down to Washington, determined to seize him at all hazards, with or without the consent of the territorial authorities, and send him on to the seat of the national government.

He accordingly ordered Captain Hook, Lieutenants Mulford and Peter, and Dr. Davidson of the army, to proceed to the town of Washington, in the costume of private citizens; to seize him if possible, and deliver him at New Orleans to Lieutenant Jones, who had been ordered by Commissioner Shaw to receive him on board his vessel. They were accompanied by the late Dr. Carmichael of Wilkinson County. They accord-

ingly arrived at Washington, but before they attempted to accomplish their object Colonel Burr, his apologists aver, became apprised of it, and was induced to forfeit his recognizance and take his departure. He proceeded, as has been said, to the house of Colonel Osmun, one of his securities (who was no doubt duly informed of the informality of his recognizance), and was not heard of until his final arrest on the eastern confines of the territory.

While at Washington Burr spoke freely to many gentlemen, and wore the air of a persecuted man. The Territorial Legislative Council was in session, and he sought the intimacy of the members from Washington County, on the Mobile River, which then embraced a large portion of what is now South Alabama. He was informed by Lemuel Henry, one of the delegates, that if he had gone there and impressed the people with the belief that his enterprise was a secret one against the Spaniards, he might have procured men enough to have taken Mobile, at which place he would have obtained arms and ammunition and armed vessels to transport troops to any point he desired. Mr. Henry mentioned the difficulties to which his constituents were subjected from the exactions of the Spaniards. Burr remarked that he had seen, with regret, the memorial of the people of that part of the Territory treated with contempt in Congress; that he was surprised the people of that section had not made some effort to release themselves; that the government having neglected them, it was a natural right, and *engrafted in the Constitution*, for a people, when the government does not secure to them those rights to which, by their situation, they are entitled, either to erect a new government for themselves, or take protection under such other as would promise them a happier condition. This was certainly bold language, when the position in which the speaker then stood, is considered. The conversation with Mr. Henry evidently made a deep impression upon him, and may have influenced the direction of his flight when he left Colonel Osmun's.

The only incident which occurred at Washington after the departure of Burr was the following. A few days after Governor Williams had issued his proclamation for the arrest of the refugee, a negro was discovered near the mouth of Coles Creek

(opposite to which Burr's boats were stationed) riding on a horse which *he* had used while here, and wearing a surtout coat that had belonged to him. Upon searching the man, there was sewed up in the cape of his coat a paper in these words: "If you are yet together, keep together and I will join you tomorrow night; in the meantime put all your arms in perfect order; ask the bearer no questions, but tell him all you may think I wish to know. He does not know this is from me, nor where I am. C. T. & D. F." This paper supposed to have been addressed to his two captains, Comfort Tyler and Davis Floyd, was said by Colonel Fitzpatrick to be in Burr's handwriting. It was immediately brought to Governor Williams and strengthened the opinion which had all along prevailed, that he had a large body of adherents on their way down the river. At this day we attach neither credit nor importance to this incident, although it was adverted to both by Mr. Poindexter and Mr. Henry, at Richmond, before the court. It cannot be possible that a man of the sagacity of Burr, who never seems to have been at a loss for friends in this Territory, could have employed such an agent. Be this as it may, however, the circumstance was made the pretext of arresting some sixty persons, at different periods, who were supposed to be in the interest of Burr. They were held, however, in very light duresse and were soon discharged. Many of the persons thus arrested were young men, who, it is believed, were entirely innocent of any hostile intent against the government. A number of them remained in the Territory, and as was remarked some time afterwards, supplied it "with schoolmasters, singing masters, dancing masters, and doctors in abundance,"¹⁰

What the real design of Colonel Burr was is as yet "a sealed book." It was, doubtless, known to a few prominent individuals attached to his fortunes, but it was never definitely communicated to the majority of those whom he or his emissaries approached, nor even to those that accompanied him down the western rivers. His trial itself at Richmond, where he was exposed to a searching examination, and witnesses were produced who evidently had the strongest inclination to convict

¹⁰The sketch embraced between references "8" and "10" was published in the *Free Trader and Gazette* of November 17, 1841.

him, failed to develop his real design, but much was darkly shadowed forth. He constantly asserted that his object was to settle the Bastrop grant on the Washita, 700,000 acres of which, it was shown, he had purchased from Colonel Charles Lynch, of Kentucky, had paid for the same a valuable consideration in cash and drafts, and received a deed, which was of record in Lexington. He proved that he had purchased, and made contracts, for supplies of provisions and agricultural implements, and insisted that he had never contemplated an expedition against Mexico unless in the event of hostilities between the United States and Spain, which at that period was esteemed a very probable contingency, and, indeed, was anxiously desired by the enthusiastic and adventurous people of the Western States. He never denied that he considered the Union a rope of sand, and that a separation of the Western from the Atlantic States would inevitably follow from existing political and geographical causes. This impression he endeavored to enforce on every one, in his peculiarly graphic and emphatic manner. We find him thus speaking, at the outset of his journey in Western Pennsylvania, to Col. George Morgan, a soldier of the revolution and long his personal friend, at his hospitable fireside, which until then had heard only the patriotic traditions of the war and heartfelt anticipations of the future glory of the Union, declaring that with 200 men he could drive the President into the Potomac and overturn the government. Here it was, too, that he received that laconic but memorable reply from the bluff old soldier, "*I'll be d—d, sir, if you could take our little town of Canonsburg with such a force—our women are all Democrats.*" These evidences of attachment to the Union, however, which were met with at every stage of his journey did not uproot an opinion which seems to have been deeply seated in his own mind, and even while under arrest at Washington we find him sneering at the instability of the government in presence of Mr. Graham, its accredited agent, and of Callier and Henry, members of the Council. Colonel Burr fell into the common error of underrating the people. Educated in the camp, he looked upon the masses as just so much physical power, to be operated on through their passions or moved at will by superior intellect. He attached undue im-

portance to the *leading men* of the West, with many of whom he had been in correspondence, who were the secret accomplices of his design, and had impressed him with the belief that the multitude was ripe for "treason, strategem and spoils."

While, however, we thus repeat the grounds upon which he vindicated himself from the charge of treason, it must be remembered that the testimony of General Eaton, Commissioner Truxton and General Wilkinson, supposing them to have sworn the truth, goes to show that he meditated the seizure, by force of arms, of Baton Rouge and New Orleans (the former, at that time, a Spanish post, the latter the capital of Louisiana, which had recently been purchased by the United States), and that he contemplated ultimately the separation of the Union and the invasion of Mexico. In the face of all this constructive treason, however, no *overt* act could be shown at his trial, and he was discharged, and at this day, with all the testimony *yet* before the public, perhaps no jury could agree as to the true object of his expedition. One point only, his partners allege, was *settled* by his trial in the public mind. Whatever he did contemplate had been arranged in concert with General Wilkinson and other prominent men in the west, and the want of firmness or perfidy of Wilkinson occasioned its failure. General Wilkinson had lost the popular esteem, the government at Washington, and at the War Department especially, viewed him with distrust; a suspicion that he was in the pay of the Spanish government (which then controlled the navigation of the Mississippi, the only outlet of the commerce of the west), had spread throughout the country; all, except his staff and a few gallant officers of his command, had deserted him; and it was believed, being thus desperate in his fortunes, he first clutched at the overtures of Burr, but finally, changing his mind upon perceiving the anxiety felt by Mr. Jefferson, betrayed him for the purpose of recovering the confidence and favor he had formerly enjoyed. The testimony of Major Bruff (brought in collaterally at Burr's trial) bore very hard upon Wilkinson's fidelity to his government, though the witness was evidently under the influence of strong prejudices. Colonel McKee, who had been, up to 1802, agent in the Choctaw Nation, and was a confidential friend of Wilkinson then and long subsequently, swore that

about the latter end of 1805 the General wrote to him to know whether he (McKee) could not raise a regiment of cavalry to follow his fortunes to Mexico, and the developments afterwards made, in the course of a Congressional enquiry into his conduct, have left the memory of this distinguished man deeply tarnished with suspicion; the gallantry of Gen. Wilkinson was unquestionable; he was a man of elegant and accomplished manners; as a writer he was superior to any of our military men; as a professional soldier, he had seen much service and exhibited great abilities; he was capable of inspiring the warmest attachments, and as his fortunes grew more gloomy, many of his officers appeared to cling more closely to him; yet his reputation never recovered from the shock it received at the celebrated trial to which we have so often adverted. His perfidy to Burr (with what motives we will not *here* say) was fatal to himself. His popularity, honors and emoluments gradually perished away; and he is finally reported to have died in forgetfulness and poverty, an outcast from the affections of his country, and subsisting for the last years of his life on the remains of the pension for which, his enemies allege, he had sacrificed his integrity.

We have now brought our narrative of transactions that occurred immediately in our vicinity and produced so much agitation in our streets, thirty odd years ago, nearly to a close. The arrest of Burr in the eastern part of this (then) Territory shortly after his escape from Washington, his trial at Richmond, his discharge and subsequent history, wandering over Europe and returning, like a discontented ghost, to gaze at the scenes of his former triumphs; to dwell among his old associates, and in a crowded city, and yet be not of them; to live through long years, uncertain of the fate of his only child, the sole object he ever loved, and finally, to *die*, certain of nothing but the infamy attached to his name, these are incidents familiar to all. His fate was as singular as it is instructive. Ever after his fatal competition with Mr. Jefferson for the Presidency, he was the object of organized traduction, and constantly hunted by political jackalls, who sought favor upon his ruin. Chafed and disappointed at his defeat, and having none of the philosophy derived from a reliance upon the justice of providence, he

plunged madly into intrigues against the honor of his country and was himself betrayed. He sunk under the ordeal to which he was subjected, and every effort subsequently made to vindicate his fame has merely served to cast a deeper shadow upon it. His biography, which was heralded with so much ceremonial, written by one long in his confidence, from whom so much was expected, and who boasted of being in possession of his papers, sheds no light upon the unexplained mystery of his movements, and stripped his character of the redeeming attributes with which he was supposed to have been endowed. In turning over its revolting pages the daring soldier sinks into the subtle intriguer; the man of gallantry, glowing with generous passion, into the low libertine, whose gross sensualities were obtruded upon one who, alike fair and innocent, should have been shrined beyond even the dream of such licentiousness. Yet *Aaron Burr* was not a revengeful man, notwithstanding all that has been written of the perseverance with which he hounded Hamilton to his death. Openly betrayed by Wilkinson and deserted in the hours of peril by most of his accomplices, he had it in his power to implicate many of them. The evidence, though not in his hands when he was finally arraigned, was at his command, but he seems to have felt, after his discharge at Richmond, amid the shattered fragments of his fortune, that *abandonment* of the soul (as the French term it) which rendered him indifferent to the past, present or the future. *Much of that evidence has been some time in the hands of the writer,* and will be given to the public whenever circumstances render it *expedient* to publish an historical work on which he has been, at intervals, for several years engaged.

When the interview took place between Burr and the Mississippi Commissioners, near the mouth of Bayou Pierre, he had those documents in his possession, and his remarkable words in reference to General Wilkinson have been already cited, "*If I am sacrificed my port-folio will prove him to be a villain.*" Had that port-folio embraced only the evidence of his own design, it would have been then, or previously, destroyed, but it contained matter deeply involving parties who then, and since, stood high in the country, and he no doubt determined to preserve it as a guarantee of their silence. These papers, we have

reason to believe, were deposited before he went to Coles Creek, or perhaps before he met the commissioners, under seal, with the late Judge Bruin; they afterwards passed into the custody of the late Benjamin Osmun, one of the securities on his recognizance, who had entire faith in his integrity, at whose house he was last seen in the Territory, and who supplied him with the facilities of escape. Why these papers were never reclaimed, or if they were, why they were never delivered, we have no means of determining. How they came into our possession it is very easy to explain. Colonel Osmun was the nearest neighbor of the late General Claiborne, and up to the death of the latter they remained most intimate friends, although differing widely in their estimate of Burr. Having no family, Colonel Osmun was long in the habit of keeping his most valuable papers at the domicile of his friend, and he continued this practice up to the period of his own demise. When this happened his executor, the late Judge Taylor (whose mind, however, was much impaired before he entered upon his trust), removed, as was supposed, all the papers of the deceased. Many years afterward, however, we found among a voluminous mass of documents collected by various public men and deposited at the domicile of our late father, several packages of letters belonging to Colonel Osmun, and with them *the papers of Aaron Burr*. He had no living representative; Colonel Osmun had died without any known heirs; his executor, and two or three executors and administrators in succession, had all been swept off, and we considered ourselves fairly entitled to the custody and the use of so rare and valuable a deposit. It is scarcely necessary to say they will explain much that has hitherto been conjectural, and will establish beyond the shadow of a doubt that if a former Vice-President of the United States was engaged in an unlawful scheme of ambition, he had for his coadjutors some of the most distinguished men of the nation. In drawing up this rapid sketch for the columns of a daily journal, we have endeavored to be as impartial as possible and to divest our statements of the political feeling and bitterness which runs through most of the documents in our possession. We have attempted to present the different opinions held of Burr, Wilkinson and other actors of the scenes as based upon the testi-

mony now extant, but we would not be understood as expressing *our own opinions*, at present, as to the guilt or innocence of any of the parties. We reserve these until we can accompany them with the documents to which reference has been made.

EXTRACT FROM GENERAL WILKINSON'S TESTIMONY.

"The letter (from deponent to Burr), postmarked the 13th May, has often been mentioned, and has been used to injure my character and envelope it in doubts and suspicions. This letter, if written at all, must have been in answer to one received from Colonel Burr. Why has it not been produced? I challenge its production, for if it were brought forward it would release me from all obligation to silence, and enable me to exhibit to public view the letter of Colonel Burr. Sir, I am incapable of uttering an intentional falsehood; and under the solemnity of the oath which I have taken, I have no hesitation in saying that the declaration of Colonel Burr that *he had put the letter beyond his power*, and with my knowledge, is totally destitute of truth."

Much of Burr's correspondence, as is stated in the text, was left in Mississippi when he fled, not deeming it safe to carry it on his person, but that General Wilkinson was privy to this is absurd to believe.¹¹

Leaving Meadville, we spent the night at the hospitable mansion of one of the old standby's of Franklin County, Thomas Cotton, Esq., or as he is familiarly called by all the boys and even by men older than himself, "*Uncle Tommy.*" This gentleman was a member of the Legislature many years since, and we received from him much valuable information. Reached Holmesville the next evening, after a ride through a sparsely settled country. This is really a pretty village, beautifully shaded with venerable trees; it is the residence of several very interesting families, and of many agreeable and intelligent gentlemen. It has a new and spacious Temperance Hotel, kept by a respectable Methodist, in a style of taste and comfort rarely met with by the traveller. We know of few places where one could spend the summer more agreeable or with a better prospect for health. The woods abound with game; the streams with fish; many persons keep hounds; if you are disposed to be convivial, you may dine with some one of the hospitable planters every day.

¹¹The sketch embraced between references "10" and "11" was published in the *Free Trader and Gazette* of November 17, 1841. A more complete treatment of the Burr episode will be found in *Claiborne's Mississippi*, pp. 277-294.

Pike County, embracing as it does a good deal of wealth and producing several thousand bales of cotton, formerly traded exclusively with this city. Owing to various causes, which we will hereafter enumerate, we have lost this valuable commerce, and almost every bale of cotton now made there is hauled to Covington, in Louisiana, and thence shipped to New Orleans, across the lake, where the planters supply themselves with those articles which they formerly purchased of our merchants.

The next day crossed the country to Monticello, once a village of considerable importance, but now somewhat decayed. It is situated on a beautiful bluff or *plateau* on the west bank of Pearl River, which is here a fine, bold stream, affording steamboat navigation many months in the year. No river has been more neglected by the Legislature than the Pearl. Rising in the very heart of our State, in the counties of Winston and Neshoba, and sweeping along through a fine cotton region by the capital of Mississippi, it might easily be made navigable almost its whole extent. But an extraordinary indifference to practical internal improvements has too long characterized our Legislature, and the resources we should have applied to such objects have been squandered in the vain attempt to make bank paper supply the place of gold and silver. Although Monticello has felt heavily the hand of time, it is still a charming little place. Our friend, Bowen, makes every one at home at his comfortable inn, and there are many agreeable families in and around the place, and quite an extensive circle of professional and mercantile gentlemen.

Lawrence may be called the mother county of North Mississippi. It was settled many years ago, chiefly by Georgians and Carolinians, and although it still retains a dense population it has planted its little colonies throughout the northern and middle counties of this State. Go where you will, through the more newly settled counties, and you find very many industrious and intelligent planters, who boast that they came from "old Lawrence." Several of the pioneers of this county have died within the last two or three years—among the rest the venerable Col. Runnells, father of Gen. H. G. Runnells, late Governor of this State. He was a man of strongly marked character. He was an active partisan officer in the closing scenes of the revo-

lution, being engaged in several battles, and in two or three desperate affairs with the Tories. After the revolution and until his immigration to this Territory, he took a leading part in the border difficulties with the Indians and received from them, as the late Gen. Dale informed us, the title of "*Bloody-shoe.*" Col. Runnells served in the Legislature of Georgia and Mississippi nearly thirty years, and was ever distinguished for his strong practical sense and inflexible support of popular rights. He retained his activity and faculties to the last, and when past seventy, would canvass his county, mount his horse, and ride twenty miles before breakfast to address the people from the stump! We believe he was never defeated. Col. Runnells was a zealous member of the Baptist Church. He is now dead; but the high and holy political principles he defended with his sword and warmly inculcated through a long life of virtue and usefulness still flourish in the patriotic old county where he so long resided.

From Monticello we had a delightful ride on the east bank of Pearl River down to Columbia, the county seat of Marion, about thirty miles. This is unquestionably one of the most pleasant, natural roads in the Union. It runs, for the most part, on the second bottom or hammock land, or level surface, and just sandy enough to be always dry. Magnificent trees hang over it like a canopy, and beautiful streams, sparkling one moment in the sunbeams and then leafing into shadow, dash across, hurrying along with magic messages from the hidden hills to the flowing river. The moment the traveler going eastward crosses the Pearl he will see the marked change in the water. There are clear creeks and springs in Pike, Franklin and Amite, but none that compare with Silver Creek and Whitesand, and the thousand rills and rivers that flow to the south on the eastern side of Pearl and mingle their crystal floods with the chafing waters of the Gulf. The traveler rides into one of these, supposing it to be only a few inches deep and soon finds the water washing his saddle skirts, and the silver-sided perch playing around his stirrups. The fabled fountains of Arethusa or Egeria were not more beautiful than these transparent streams.

The chrystal water is so smooth, so clear,
The eye discovers every pebble there;
So soft its motion, that you scarce perceive
The running brook, or what you see believe.

—Ov. M.R.

Columbia was, for a short period, the seat of government of Mississippi. The eastern counties, at that time, held the balance of power, Lawrence and Wayne being the leading counties. But there was an incessant rivalry between the Monticello and Winchester factions, the latter preferring to co-operate with the west than to see the former in the ascendancy. Thus it was, the west and the remote east acting in concert, that the seat of government was for a time placed at Columbia instead of Monticello. With the removal of the seat of government the town began to dwindle, and now the rank weeds grow untrodden on its beautiful square, and its extensive hotels and boarding-houses are deserted. There is, we believe, but one store in the place; that, however, is an extensive establishment, kept by Col. Atkinson, a wealthy and worthy citizen who has often assured us that he has the best and most punctual customers in the world. The people of this county, like most of the eastern counties, are industrious, intelligent and hospitable. Four miles east of Columbia, on the Monticello road, are Stovall's Mineral Springs, formerly a place of fashionable resort. Mr. Stovall, who was a man of great taste, expended some forty thousand dollars on improvements, and his establishment was extensively patronized for many years by the citizens of this and adjoining counties and by wealthy families from New Orleans. An unfortunate incident, however, which led to two or three affairs of honor, in which several estimable gentlemen perished, dispersed the company in the midst of a profitable season, and the place has never been resorted to since. It is admirably designed for a summer retreat. The house is very spacious, on a gentle eminence overlooking the Pearl and its cultivated valleys. The drive to Columbia, and thence up or down the river for miles, is equal to the finest turnpike, overarched in many places with long-armed trees. The boat and fishing rod invite the angler to his sport; and the magnificent pine forest, unbroken in its silent depths, undisturbed in its solitude save by the crack of the hunter's rifle or the long howl of some trooping wolf at nightfall, is literally alive with game.

We were most kindly entertained at these springs by our old and worthy friend, Martin Lewis, Esq., who has converted the establishment into an extensive farm and is now with a numer-

ous family, realizing the comforts of independence after years of hardship and toil. Mr. Lewis' example is full of encouragement. He commenced life a poor man; for years what he gained by his labor was lost by misfortune; he has always lived in that section of the State, which, as compared with this, is viewed as barren and unproductive; yet by perseverance and economy, constantly delving the soil and selling all that he could save, he may now be considered a wealthy man, and has the health and constitution to enjoy it. Indeed the country is proverbial for its health. Our old friend, Nathaniel M. Collins, informed us that he had lived in the county eighteen years, and during that period there had been but *one* case of fever in his family. He has a tanning establishment, with its stagnant pools, within thirty paces of his door. His wife is the mother of fourteen children, and for seventeen years has never taken a dose of medicine. His negroes are equally healthy, and during this whole period his medical bill has only amounted to *ten dollars*.

Passing on in the direction of Williamsburg we stopped at Orangeburg, the country store and establishment of S. H. Wilkes, Esq., who welcomed us to dinner. This gentleman keeps an extensive assortment, carries on a profitable business and annually sends to New Orleans some eight hundred bales of cotton. He is one of the most moneyed men of the east and sustains a high credit in the northern cities. We saw in his store several pieces of beautiful linseys and cottonades, figured counterpanes, etc., made in the looms of Marion County; also a specimen of cotton bailing and rope manufactured by one of his neighbors, Mr. Thomas Allen. His crop of the previous year, put in this home-made fabric, Mr. Wilkes sold at ten and one-half cents all around—a pretty fair price. In sight of Orangeburg there is a very large mill-pond. On inquiring of Mr. Wilkes if it did not affect his health he informed us that he had lived there seventeen years—had a large family—never had a case of fever on his premises and had not paid the first dollar to a doctor! We saw half a dozen rosy little children shaking down green peaches, and he said he never restrained them—they eat unripe fruit, cucumbers and melons when they pleased and bathed in the creek three or four times a day. In

our miasmatic region such habits would soon produce disease; the rosy cheek would fade; the bird-like voices of the young would soon be hushed; our halls and hearths would be deserted —for the *grave* would claim its own.¹²

Spent the night with our old friend, Esquire Hathorn, of Covington County—a type of old Ireland, generous, ardent, enthusiastic, hospitable and a true-blue Republican. Went with him to Williamsburg, the county seat. Travelers are made very comfortable at Col. Buckhalter's Hotel—his father is a famous hunter—and it is a rare incident not to find a superb saddle of venison on his table. This is one of the best counties east of Pearl, in point of soil. It numbers many excellent planters who live in the most comfortable manner. The orchards are decidedly the best we have seen in the State, and we saw cane growing on cow-pen land, as matured and sweet and decidedly larger than any we ever met with on the alluvial bottoms of the Mississippi. It was the custom of many families here a few years since to make their own sugar and molasses, using only such utensils as are found on every farm. Cider of the highest flavor is a common beverage, and we found everywhere a delicious liquor made of the sweet potato, very refreshing and exhilarating. Dined with Col. Watts, sheriff of the county; spent the night with Judge Leggett and passed on to Anderson's, within a quarter of a mile of Ellisville, the county seat of Jones, having crossed the Leaf, one of the principal tributaries of the Pascagoula River. This county is thinly settled and adapted chiefly to grazing. It is intersected by large creeks that afford fine water power, more than two-thirds of the land yet belongs to the government and will not be entered for years to come at present prices. Much of it is covered exclusively with the long leaf pine; not broken, but rolling like the waves in the middle of the great ocean. The grass grows three feet high and hill and valley are studded all over with flowers of every hue. The flora of this section of the State and thence down to the sea board is rich beyond description. Our *hortus-siccus*, made up on this hurried journey, would feast a botanist for a month. Thousands of cattle are grazed here for market. The unbroken

¹²The sketch embraced between references "11" and "12" appeared in the *Free Trader and Daily Gazette* of November 23, 1841.

forests abound with game. The red deer troop along by dozens; for miles the wild turkeys run before you in the road; and the sharp whizzing of the startled partridge is constantly on the ear. But for this panorama of life, the solitude of a ride through this region would be painful. The houses on the road stand from ten to twenty miles apart; the cheering mile posts and the gossiping traveler are seldom met with; the armless pines look gaunt and spectral and fall sadly on the soul. At night-fall, when the flowers have faded away, no fireflies gem the road; you hear no tinkling bell; the robber owl flaps by lazily on the wing; fantastic shadows, like trooping apparitions, chase each other into settled gloom; and instead of "the watch dog's cheerful cry" the "wolf's long howl" comes up from the adjoining reed-brakes and is echoed back by the strolling companion on the neighboring hills.

Jones County is remarkable for the almost universal exemption of disease that it enjoys. Although it is irrigated by several large water courses that have extensive swamps, fevers are very rare. The people are for the most part pastoral, their herds furnishing their chief revenue. No doctor or lawyer has ever settled in the county. Indeed physicians are not in the best odor, and a certain friend of ours who was along found that his title of *doctor*, though useful in some districts, was of no advantage in Jones. Our old friend, Isaac Anderson, Esq., who lives like a lord, in the sight of the court-house, informed us that he had resided in the county twenty-three years. He had ten children, thirteen grandchildren and fifteen blacks; never had but one case of fever on his premises and never employed a doctor! His brother has fifteen children, has resided there about the same time, and never had a case of sickness. Near the town resides a revolutionary soldier, the venerable John Evans and wife. They are both near one hundred years old, have lived there twenty odd years and never had an attack of sickness. The whole stock of medicine consumed in the county during the year would not cost more than twenty dollars. No regard is paid to diet or weather. The houses are chiefly built of logs, partly left unchinked at all seasons of the year; great quantities of fruit are consumed; the cotton and corn fields are planted over with melons, of which all eat with impun-

ity and frequently as they are plucked, warm from the sun; many of the men spend days in the woods herding cattle or deer stalking, and they swim water courses and catch the drenching winter rains without thinking of hot teas, warm baths and dry clothes to keep them from taking cold. The universal practice is to let the drenched garments dry on the system. All ages plunge with impunity into the streams, and the children and the ducks live in the water together. Yet there is little or no sickness, scarcely ever a fever, not a doctor within fifty miles; the men are robust, active and long-lived; the women beautiful, and the children lively as crickets and ruddy as rosebuds. Let the river planter, who swallows some filthy potion three times a day throughout the year to keep off a chill or break a fever or give him an appetite, think of this! Let the man who finds himself growing richer and weaker every day, his capacity diminishing as his means increase, living childless or more melancholy still, seeing his children summoned every fall like autumn leaves to the tomb, remember that there is within our own State a region more healthy than the Alleghanies, where rosy health dwells perpetually, where no wedded fireside is without the smile and prattle of childhood, and where one-half the amount expended in an uncomfortable trip to the North would supply all the comforts of life in abundance. Land, as we have said, may be had at government price, or improved with comfortable cabins, a fine spring and a *clearing* may be had at a small advance. The most juicy and richly flavored grass-fed beef can be bought at three or four cents; butter at a bit a pound; eggs and fowls, potatoes, etc., at a mere song; cheese for a trifle; venison for the shooting of it; and an owner of five hundred or one thousand head of cattle will thank you for penning, milking and salting his cows. It is literally a land of "milk and honey"—for the wild bee builds her nest in many a hollow tree, and hives by the dozen garnish the gable ends of every farm house.

Ellisville was named after the Hon. Powhattan Ellis, our present Minister to Mexico. He formerly held the courts here and is held in high esteem by the people. The town itself is a mere cluster of houses—some four or five—and the courts scarcely deserve the name as the term seldom lasts more than one day. Happy people!

Our visit to Ellisville was saddened by intelligence of the death on the previous evening of Col. Samuel Ellis, for many years the Representative of that county and one of the noblest of his species. Col. Ellis was a blacksmith by trade, and was a man of strong mind, much improved by his long political associations. A large audience had assembled to hear Messrs. Gwin and Freeman, but this melancholy news hung like a pall over the whole assemblage. Those gentlemen did not, therefore, speak in detail as they were in the habit of doing on the canvass. We then, by request, pronounced a funeral eulogy over our departed friend and passed on to the southward for the county of Perry. Spent the night with Mr. Sumrall, one of the oldest and worthiest men in the State. He has lived there ever since the settlement of the county. Everything around him looked superannuated and solitary. The trees had an aged aspect and were gnarled and mossy. An old house dog bayed a melancholy notice of our approach. His antique but spacious dwelling was weather-beaten and decayed. The garden was grown up in weeds and the shrubbery that had once been nursed there by the hand of beauty looked stunted and neglected. Even the faithful rose vine which clings so long to the deserted dwelling and blooms over the graves of those that loved it in life was already in "the sere and yellow leaf." The innocent bosoms on which its clustered buds used to repose were long since gone; and there it lay as if conscious of widowhood, its tendrils broken and "wasting its fragrance on the desert air." There too in the soft light of a July moon musing alone over the memories of the past, sat the fine old man, his head frosted over with wintry years but his eye still beaming with benevolence. He had raised a highly respectable family of children—had dowered them with enough of this world's goods and they were all gone to distant settlements. He was left alone. A few months previous to our visit he had buried the aged partner of his bosom and now felt the *curse* of solitude. They err who suppose that age, though it dims the eye and shakes the nerves, can freeze the heart or weaken the affections. It is not so. Youth—all glowing as it is—sooner forgets the images of love. New scenes—impressions—balm the wounded soul, and ambition or gain distil the waters of Lethe over its afflictions. But

in old age, when the dear ones of the fireside have wandered off like bees from the parent hive; when neither office nor wealth have charms and nothing remains but memories of early joy and the enduring companionship of years—the blow that severs this and calls one away forever, strikes the survivor also. This indeed is *death*; for in the dim future there is no smile. The old can then but count the weary hours of their pilgrimage and the soul wait, like an impatient and imprisoned bird, to wing its flight to heaven. It was thus we found and left our venerable friend—a man without an enemy, almost without a fault—an humble Christian and a genuine Democrat.

After a brisk ride we reached Augusta, the county seat of Perry. We had long heard of this old town; Judge Black, Judge Buckner Harris, Jacob J. H. Morris (universally known throughout the East as *old coon*), and two or three other political characters, had taken their start there; it had long been the seat of the United States Land Office and a branch of the great Union had been established within its walls. The country through which we passed after leaving Mr. Sumrall's was poor, the settlements scattered, and exhibited no indications of our approach to a commercial town, such as our imaginations had pictured. We rode on, however, expectation on tiptoe for an oasis in the desert, the sun pouring down upon us almost vertically and our flagging horses sinking fetlock deep into the sand, when lo! the ancient town stood before us, an extensive parallelogram garnished round with some eight or ten miserable tenements—the wrecks of better times! Scarce a tree stood in the gaping square for the eye to rest upon; the grass was all withered up; the burning sun fell upon the white and barren sand as on a huge mirror. Even of these dilapidated dwellings several were unoccupied, and we rode round half the town before we could find a living thing to direct us to the tavern. We finally reached it and found it "alone in its glory," a small log cabin with one room and a shed! Stable there was none, nor bar, nor landlord, nor barkeeper. We stripped and tethered our horses and took possession of the establishment. Not a human being was to be seen; we were hungry and fatigued; the idea of a *town* and its hundred and one little comforts for the traveler had buoyed us up during the morning's ride, and

our fancies had diagramed something very different from that we were now realizing. In a few hours, however, the landlord made his appearance. Not expecting us until next day he had gone out on a foraging expedition. We found him a jolly bachelor and a Virginian at that. He soon concocted for us a delightful julep and feasted us on delicious venison. The gentlemen of the town came in and we spent a very agreeable evening. No man can live in such a place without losing his energies. Every day adds to the stagnation of the mind, and in less than six months one would find himself completely asleep. We never before saw such a picture of desolation. The vestiges of numerous and extensive buildings were still to be seen; the town itself had been planned on an imposing scale; the landing on the Leaf River, where formerly barge and bateau deposited their rich cargos, was pointed out; the courthouse—once thronged with suitor and defendant—but now all was silence and solitude.

"—— the sounds of population fail,
No cheerful murmurs fluctuate in the gale,
No busy steps the grass-grown footway tread,
But all the blooming flush of life is fled."

The town, however, next day presented a more lively scene. That certain premonitory of a public gathering, the ginger bread and beer cart, came tumbling towards the square. Rickety vehicles of different shapes and sizes laden with melons, came trudging after. A grocery, with sundry suspicious looking jugs and tin measures, was discovered. Swart negroes, dressed up in their holiday clothes, were seen striding in, gazing about for the candidates as one would for the giraffe. It was quite an event. Except the Hon. Robert J. Walker no aspirant for a high office had visited the place for many years. Finally, the sovereigns themselves gathered—the real yeomanry of the county—and then the game commenced. Our friends went at it in good earnest, and we strolled from place to place. The largest portion of the crowd remained, of course, in the courthouse with the orators, but we found a pretty respectable group about the grocery. Four or five of these were playing *seven up*, *old sledge*, or some such game, on the head of a whisky barrel, and others were discussing the prelimi-

naries of a quarter race. Everything, however, was orderly and quiet. Few persons quenched their thirst that day or partook of the ruby melon without inviting the strangers to join them. We have seldom seen a more respectable crowd. All had the appearance of uninterrupted health. Indeed, sickness is a rare visitor in this whole region, and if the people be not generally so rich they are out of debt and have the health to enjoy what they possess. Be that much or little, their hospitality is unbounded. In no quarter of the world is the wayfarer received with more cordiality and kindness, and the best that they have, and that always plentiful and neat, is set before you throughout the East. The very looks of these people cheer one up. Industrious, contented, cheerful and unembarrassed, they associate without ceremony. The glow of health is upon almost every cheek. On this point we wish distinctly to be understood. Our statistics as to the health of the country are numerous; we will, however, cite but one instance, and give the *name*, as we have done in previous cases, that no doubt of the facts may arise. John J. Dantzler, Esq., a highly respectable and intelligent gentleman, who resides *immediately on Leaf River*, some miles below Augusta, informed us that he came to the county in 1812 with a family of five persons. He has now ten children, thirteen grandchildren and about sixty negroes. *During the whole period he has never employed a physician and never had a natural death on his plantation.* One negro died of old age and two or three colored infants from neglect of their mothers. No other quarter of the world can furnish a parallel case.¹³

July 16th.—Left Augusta for Mr. Bruland's, a very comfortable house of entertainment some sixteen miles distant. Passed on next day through a level open pine woods country to Leaksville, the county seat of Greene. There is no town here. The courthouse and jail stand on a lot perhaps deeded to the country, but the property all around belongs to John D. McInnis, Esq., who resides at the place and entertains the court, the bar and all that attend. It is a very pretty place, well improved and standing in view of the Chickasawhay, which is

¹³The sketch embraced between references "12" and "13" appeared in the *Free Trader and Daily Gazette* of November 24, 1841.

here a fine stream, suitable for steamboat navigation. Mr. McInnis is descended from one of the old Scotch families that originally settled this country. They were an industrious, enterprising and economical people, chiefly members of the Presbyterian Church, and many of them had accumulated considerable estates. Remarkable for their temperate habits, many of them have obtained a very great age, and there are yet living in Greene some of the original immigrants who speak nothing but the Gallic and whose years no one can compute. Many of the people here are herdsmen, owning large droves of cattle, surplus increase of which are annually driven to Mobile. These cattle are permitted to run in the range or forest, subsisting in summer on the luxuriant grass with which the teeming earth is clothed, and in winter on green rushes or reeds, a tender species of cane that grow in the brakes or thickets in every swamp, hollow and ravine. The herdsmen have pens or stampedes at different points in the forest, where at suitable times they salt the cows, and once or twice a year they are all collected and marked and branded. This is a stirring period and quite an incident in the peaceful and somewhat monotonous life of the woodsman. Half a dozen of them assemble, mounted on low built, shaggy, but muscular and hardy horses of that region, and armed with raw hide whips of prodigious size, and sometimes with a catching rope or lasso, plaited of horsehair. They scour the woods in gallant style, followed by a dozen fierce looking dogs; they dash through swamps and morass, deep ravines and swim rivers, sometimes driving a herd of a thousand heads to the pen, or singling out and separating with surprising dexterity a solitary steer which has become incorporated with another herd. In this way, cheering each other with loud shouts and making the woods ring with the crack of their long whips and the trampling of the flying cattle, they gallop thirty or forty miles a day and rendezvous at night at the *stamping ground*. Here they "bivouac" in the open air, a fire of light wood logs is soon kindled, that flings its blaze far into the depths of the forest; a young steer, or perhaps a fat buck that has been killed during the ride, is speedily cut into stalks and set upon sticks before the fire to broil. This, with water from an adjoining branch, just touched perhaps with a

little "*old corn*," constitutes the repast; the horses are hobbled and turned out to graze, and after a few gibes and jeers and a little chuckling over the accidents of the day, they stretch themselves around the blazing fire on skins or blankets, contented, happy and at peace with all the world.

This county abounds with deer. Many persons make it a business in the fall and winter to kill them for the Mobile market. Stalking or still hunting is the usual practice, and it is not uncommon for a good hunter to kill five or six in a day. When a sufficient number is thus collected they are thrown into a light horse wagon and driven down to Mobile, where they always command a ready sale. The beautiful, clear, deep streams here are full of fish. When we arrived at Leaksville we informed Mr. McInnis that we should like to be supplied with those (to us) rarities. He called two of his sons, little fellows that looked almost too small to shoulder a gun. One went off towards the river and the other struck into the forest, and in a few hours we were feasting on delicious venison, trout and turtle. The boys had only to walk a few hundred yards to find at any time the articles wanted. Since the disappearance of the Indians, game has multiplied wonderfully. In addition to the valuable trade in cattle, which has enriched many people in this region, Greene County drives a profitable traffic with Mobile in smaller items on an extensive scale. Large quantities of butter, cheese, honey and eggs are sent down, and some persons raise two thousand chickens for market. In the fall, winter and spring the road is lined with small carts, built of pine boards and covered over with an awning of striped cotton, loaded with fowls, driven by little boys and sometimes by females. It is no unusual thing to see thirty of these vehicles at one time in the Mobile market, all from Greene County. Raising these articles so abundantly and maintaining a constant intercourse with the city and the seaboard, it will excite no surprise when we speak of the comfort and abundance that everywhere appears. At every house we found what we considered delicacies—the richest honeycomb, milk and butter, sweet and creamy; venison, juicy sirloins of young beef and trout fresh from the crystal brooks—and all this, too, placed before us with so much neatness and with such hearty good will that one could not fail to relish it.

We were now in one of the border counties of Mississippi and within the influence of the exhilarating breezes and saline atmosphere of the Mexican gulf. For a great distance on every side of us the soil is thin but yields bountifully under manures and a rotation of crops, properly selected. Grass, of the coarse, rank species peculiar to pine woods in these latitudes, grows dense and luxuriant, and, as we have stated, enables the people to subsist immense herds of cattle. Horses and mules for the saddle and plough might be raised with little or no expense on the range. But the great source of wealth in this country must ultimately be—for it is now scarcely thought of—the lumber trade. The whole east is thickly planted with an almost unvaried forest of yellow pine. Finer, straighter, loftier trees the world does not produce. For twenty miles at a stretch in places you may ride through these ancient woods and see them as they have stood for countless years, untouched by the hand of man and only scratched by the lightning or the flying tempest. This growth of giant pines is unbroken on the route we pursued for an hundred miles or more, save where rivers or large water courses intervene, and then we find in the extensive swamps that bound them on each side a heavy growth of white oak, chestnut and evergreens. The former is particularly large, shooting up frequently a smooth and limbless stem sixty feet, and of proportionate circumference. The time must arrive when this vast forest will become a source of value. The smoke of the steam mill will rise from a thousand hills. Rafts and lumber boats will sweep down the Pearl, the Leaf and Chickasawhay, and a railroad will transport millions of feet to the city of Mississippi to be shipped in vessels, built there of our own oak, to the West Indies, Texas and South America, countries that furnish the best lumber market in the world, and to which we are so much more accessible than the hardy mariners of New England, that now monopolize the trade. A railroad to the gulf could be constructed at little expense. For one hundred miles or more the country slopes down to the sea shore. Not a hill would have to be cut through. There are no rocks to excavate; the foundation or substratum is dry and solid, and the heart of yellow pine and white oak growing on the whole line would furnish the finest materials. A system of

judicious internal improvement would soon render our rivers navigable. Indeed, owing to the perseverance of John J. McRae, Esq., and a few other gentlemen, the obstructions in Chickasawhay are rapidly disappearing. These gentlemen deserve great credit. Under a thousand drawbacks and discouragements they have shrunk not, but have successfully carried on, with limited means, a work all important to the development of the east. We are aware that at present, and perhaps for some years, the State can lend no aid to these improvements. Our treasury is bankrupt. The miserable attempt to bolster up banks and corporations with the credit of the State has resulted as we predicted it would in 1829, in the Legislature, when we *protested* against the incorporation of a bank or any bank. But we believe that *individual enterprise* will, in due time, accomplish the objects we suggest and bring into active operation *the rich resources of The East*. They only want to be known to be appreciated. The beneficent hand of Nature has planted there all the elements of wealth; it has given them a climate, as we sincerely believe, the most salubrious in the universe, and the better these are understood the higher will they rise in public estimation. Look at the immense aggregate of wealth the people of North Carolina annually *coin out of their pine woods* by the manufacture and sale of tar, pitch and turpentine, to say nothing of lumber. Yet we, with a pine forest more extensive, with a sea coast far less dangerous, with the means of subsistence cheaper and more abundant, and health much superior, *skip none of these great staple articles of commerce*, and our counties where these rich materials abound and where they might be manufactured to an almost unlimited extent, are all thinly settled. *The opinion that East Mississippi is poor and barren, and therefore destitute of resources, is erroneous*, and one object of these hasty sketches is to point out that error.¹⁴

July 19.—Set out for Winchester. The aspect of the country varied very little. Extensive pine forests, covered over with a thin coating of soil, but affording a luxuriant growth of grass and watered by innumerable clear, deep streams is the uniform picture spread out before you. Here and there a farmhouse

¹⁴The sketch embraced between references "13" and "14" appeared in the *Free Trader and Daily Gazette* of November 30, 1841.

stands on the road, every one of which, as it seemed to us, was literally swarming with children, whose buoyant forms, bright eyes and ruddy cheeks bore testimony to the delightful atmosphere they breathed. Wherever we stopped the little creatures ran out to welcome us. One, larger than the rest, would aid us in stripping our horses, another would dash off to the spring, the little girls would offer us fruit or show us a place to lounge upon. It was impossible not to kiss the pretty cherubs and to feel upon our hearts the ameliorating influence of childhood, untainted in its morning innocence, undimmed in its budding beauties.

Throughout our journeyings in the piney woods we observed a universal fondness for flowers that prevailed. The forest itself, as we have elsewhere remarked, is embroidered all over with flowering plants, whose tints and perfumes would kindle rapture in the breast of beauty; but notwithstanding this, we found at every dwelling some shrub, vine or blossom of exotic origin, treasured as a companion, exposed to the balmy dews of summer and protected from the wintry blasts. This is everywhere the care of woman. It is in her nature to love that which is most fragile and dependent. The strong, the grand, the gorgeous, attract her not. The humble cottage, with its ivied porch; the violet, modestly peeping from its stream-side bank to coquet with the sunbeams; the "last rose of summer," pining in loneliness, the helplessness of childhood, the broken heart and returning penitent—these, despised and forsaken though they be, are the objects that first touch her imagination, and which, while untainted by the world's communion, she soonest seeks and longest clings to. Charity, faith and humility are her distinctive and ennobling attributes, and oh, how gloriously does she exhibit them in moments of trial! She shrinks from the world's gaze and is at times timid as a startled fawn; but when the heart of *man* quails *her* fortitude endures. Here, in our own clime, in a sister city, we find women, born to opulence and rank, dooming themselves to unwedded life, masking forms the most voluptuous and features the most lovely, in unattractive costume, *tracking the pestilence*, unrewarded, unknown, oft unthanked, sometimes derided, keeping their midnight vigils with the sleepless stars, to soothe the sick and shrive the dying. Who but woman could act out this glorious

design—these noble instincts of her nature? Her character, her deep devotion and unalterable affection, ever ready to fly from the grandeur of the world, to endure poverty with the hunted and traduced object of her first attachment, are admirably illustrated by the much criticised but beautiful lines of Moore:

"Come rest in this bosom, my own stricken deer!
Tho' the herd have fled from thee, thy home is still here;
Here still is the smile no cloud can o'ercast,
And the heart and the hand *all thy own to the last.*"

It is not, then, a matter of surprise that we find the sex, throughout the world, partial to whatever is most tender and beautiful in nature. To love a delicate flower is in keeping with the character of an amiable woman. It must be *cherished* to bloom. The slightest change affects it. She watches its delicate petals, its maiden blush, its meridian beauty, its fading hues, and then she places it in her own generous bosom, with the precious instinct of her nature, to nourish and preserve it. The psychologists tell us that there may be a strong sympathy between a young girl and the flower she loves; alas, she may too often perceive in it the emblem of her own destiny.

About noon, in the warmest day of July, we crossed a clear, deep stream, which, after meandering down a narrow ravine, leaped foaming over a huge bed of sandstone rock, and then spread itself out into a broad lake, fringed around with alder, sumach and evergreens. A cottage stood immediately on the brink of this crystal sheet, and the flowers in the porch above and the ever changing hues of the tinted sky were mirrored in the water below. Two old, long-armed beech trees stooped towards the lake so low that every breeze which ruffled its surface must have dashed the spray up among the glistening leaves. Jessamine, honeysuckles and grape vines twined their tendrils on porch and tree, and completely veiled this picturesque resting place from the noonday sun. In all our journeying we had seen no place so inviting. No one met us, as is usual in that hospitable region, at the gate. It was the holy Sabbath, and its blessed influence had hushed all things to repose. The hour was that, when in our climate, at that season of the year, all nature seems to slumber and be still as at the "witching hour

of night." The hum of the wild bees was no longer heard; tired of toil they lay deep in the bosom of the flowers, seeking shelter from the sunbeams. The industrious wood-pecker ceased its tap and the musical breeze itself languished away, or was heard only in the Memnon-like voice of the distant pines. The leaves no longer gayly fluttered, but hung drooping from their stems, and the peaceful herds lay sleeping in the shade.

The cottage itself, though rustic in its materials, was quite a gem. The whitewashed walls, the polished floors, the cots and lounges scattered about, the roses that peeped in with their smiling faces at every window, as if to welcome us, leaves of music and volumes of poetry, whispered to us some delightful presentiments. Seeing no one, we passed into the garden, and there, in a festooned bower, stood two young persons, not conscious of our approach. They were lovers, and she an only child, the sole remnant of an ancient and honored race of Scotch Presbyterians.

All her lovely companions
Are faded and gone;
No flow'r of her kindred,
No rose-bud is nigh,
To reflect back her blushes,
Or give sigh for sigh.

Her aged parents were at their solitary place of worship, and here on this blessed day, in this fairy spot, the two were keeping their tryst. The young man had evidently just poured out his impassioned soul and kissed from her dewy lip the first sweet confession of love. One arm was around her tiny waist, and with the other he pressed her lily hand to his burning bosom. Her cheek glowed with blushes, and no jewel could equal the luster of her eye, though it swam in tears. With one hand she was trying to mask her beautiful face with her flowing hair, but it twined round the neck of her lover and lay floating in his arms. Thus they stood, entranced, intoxicated, emparadised, enjoying in one moment an age of bliss. Enchained for an instant by a spectacle so interesting, we silently retired to the house. They soon followed us there. Though not conscious that we had witnessed the recent *eclaircissement*, they were evidently confused, but joy, hope, the sunshine of the future, beamed in his ardent gaze and sparkled in her "sidelong looks of

love." Presently the father and his venerable wife, accompanied by a very old man, who had labored in the ministry for half a century, arrived. They received us most kindly, spread out before us a neat repast (prepared the day before, for in *this* family the Sabbath was literally "a day of rest") and whiled away the hours in reminiscences of border warfare in the early settlement of the country. Before we started the two aged patriots gave us their blessing, and we listened in that lonely place, in the still evening, on bended knee, and, as we trust, with contrite hearts, to one of the most touching prayers for the wayfarer, that ever ascended to heaven. The minister was very old. His eyes had lost much of their light, his limbs tottered, and his spirit seemed to be already reeling on the brink of a world to *him* not dim and shadowy, but full of glorious realities. Yet he threw his whole soul into the supplication, and the feelings of his heart gushed forth, not as from the spring of some exhausted stream, but like the waters of Vaucluse, full and abundant even at their source. Age and toil and affliction had worn deep channels in his frame, but while he prayed his countenance beamed with a radiant and holy light, like some eternal flame burning upon the altar of a ruined temple.¹⁵

Well, we have reached Winchester at last, in old Wayne, after a long ride from Greene C. H. We saw all along memorials of the former wealth and prosperity of this county. Comfortable homesteads, once, now unoccupied; large plantations abandoned; venerable oaks still casting their paternal arms over mansions now deserted as if to stay the progress of the spoiler; long avenues of trees where erst perhaps ambition strode in meditation of its unrevealed designs, or young love whispered its pleas upon the cheek of youth. The empty schoolhouse nearby some bubbling spring; the country church once Sabbath thronged, but now exhibiting no trace of worshipers; the wayside graves, with their rude picketing crumbling in the dust, and the faithful rose vine still creeping over them, blooming sadly but sweetly, amid the desolation. It is dispiriting indeed to ride through one of those old counties in the dusk of eve, no sign of human life near, the night wind mourning in the aged pines

¹⁵The sketch embraced between references "14" and "15" appeared in the *Free Trader and Daily Gazette* of December 11, 1841.

like the voices of long forgotten days, and all around vestiges of the people departed and dispersed. There is nothing in the town itself to cheer up the spirits of the traveler. The situation is very pleasant, on an elevated table on the east bank of the Chickasawhay; you crossed a most lovely stream by the ruins of an old stockade while during the Indian troubles, being immediately off the Creek frontier, the inhabitants forted themselves; you pass on by groups of broad spreading trees that the axes spared, and instead of the smiling village you see a mass of ruins, most of the houses being age-worn and storm-riven, and the beautiful square, once curtained with stores and rife with activity, is now covered over with rank weeds. The town is literally tumbling to pieces, and one finds only the skeleton of the flourishing Winchester which existed twenty years ago, when those eminent citizens, the Hon. Powhattan Ellis (now minister to Mexico), the late Dr. Patton, Judge Sterling, General Laing, and Colonel Horne, resided there. Several very respectable families live there yet, but the place has lost its importance. At the period we speak of Wayne was one of the ruling counties of Mississippi, and the only one which constantly refused to coalesce with the *league* once existing against this city and county. The politicians of Wilkinson had the adroitness to obtain on almost all occasions the support of the eastern counties, but Wayne adhered in all our early contests with unshaken fidelity to the interests of this county. But the "sceptre hath departed out of Judah;" her power is broken; the treaty of 1830 with the Choctaws, that threw open such an immense extent of productive territory in the center of our State, drew off her population by the hundreds. Next to Lawrence, Wayne has given the largest number of settlers to the new counties. The majority of those that remained are intelligent farmers, raising their own supplies, and ever ready to welcome the wayfarer to their hospitable firesides. A more peaceful community does not exist in the world; in evidence of which we may state that at the date of our visit there was *neither lawyer, judge, justice, sheriff, clerk nor constable in the county*, and but for the contemplation of several marriages and the necessity of obtaining licenses, it is not supposed that any

of these respectable functionaries would ever again have appeared in that county.

The cotton raised here is hauled to Mobile, but in future the most of it will pass down the Chickasawhay, if the Messrs. McRea succeed in their laudable effort to remove the obstructions to its free navigation. Extensive orchards are found here of many varieties of fruit. Wheat is cultivated with success, and numerous herds of cattle graze on the broad, natural pastures that are found throughout the east. A worthy friend of ours, for many years a Senator in the Legislature, and universally known as *Long Johnny McLeod*, owns, we were told, some two thousand head. The health of the county is proverbial—doctors sometimes settle there but soon starve out. The country around Winchester struck us as being peculiarly adapted to the raising of *sheep*, with a view to the wool and the supply of the Mobile market with mutton. The soil is sandy and produces a countless variety of shrubs that sheep love to browse upon. The surface of the country is undulating, the wild summer grass grows luxuriantly all over the woods; the ravines abound with reeds, rushes and switch-cane, furnishing good and nutritious food throughout the winter, and the wornout and deserted fields supply the short pasture upon which sheep thrive so well. Why should not wool growing be more profitable in this region than at the north? *There* the breeder must own or rent every acre of land that his flock treads upon; he must fence, hedge or wall it in; folds and shelter are to be erected; forage for the long winter provided, and in despite of all this outlay and attention, distempers and murrains sometimes break out that sweep off two-thirds of the flock. Still the northern shepherds prosper, persevere in their business and realize handsome profits. Here one may graze 5,000 sheep without owning a rood of land; from the eastern bank of the Pearl your flock may roam from county to county, till it reaches the margin of the Mobile River, and never be off public domain, which will for years furnish an inexhaustible range; no shacks or barns are necessary for winter subsistence; our climate is too mild to require shelter, and there is no country in fact where sheep are so free from disease as in the *pine woods*. A friend of ours, Colonel Denman, of Pike, who has a considerable number, informs us that he never had a

case of distemper among them. We attribute this to the dryness of the soil and atmosphere, the saline impregnation of the grasses from the influences of the ocean, but more than all from the smoke of the burning pine or the vapor of tar, which the sheep constantly inhale. Why, then, under these circumstances, we ask again, would not wool-growing in eastern Mississippi be a profitable business?

At Winchester we parted with our traveling companions, who had appointments more to the north; left town in the afternoon, crossed the river to the house of our friend Strickland, late sheriff of the county, who kindly entertained us, and in the morning started on our lonely journey; the day was dark and lowering; for weeks no rain nor gentle dew had refreshed the parched earth; a thunder cloud hung over us and its pent-up fury burst upon the heavy forest. The few birds that tenant these woods of long leaf pine flew screaming to their eyries; some cattle dashed madly across the hills for shelter, and taking the admonition we galloped to the left, a spot where fire or some long past hurricane had destroyed all the largest timber. Well was it that such a chance offered. The whole forest was in motion. The tall pines were bending their lofty heads. The few old ones fell thundering down, casting their doted fragments around us, and then the gale rushed madly on, plucking up the largest trees and hurling them, like javelins, through the air. The cloud was covered up with a pall, and long, lurid flashes, like sepulchral lights, streamed and blazed athwart it. The earthquake voice of nature trembled along the ground, and ere its running echoes had died away came again, crash after crash, thundering forth. But at last it paused; the clouds scudded along like giant phantoms in conflict with each other, and then, as if by magic, as we gazed transformed themselves into castellated towers and frowning batteries. The wind died off, but the scene around was appalling. Hundreds of trees lay scattered over the ground while here and there others stood splintered by the bolt of heaven and smoking with its fire. God preserve us from another ride through the spectral pines in such a storm!

The day was now drawing to a close, and still gloomy and lowering, the road had become gradually more obscure; we had

no sign of human habitation since we started in the morning; no finger board to direct our way; a drizzling rain set in; we forced our weary horse, sometimes fording, sometimes swimming the angry and swollen stream that rushed down from the hills, when on the summit of the ridge which divided itself in different directions the road branched off in trails of cow-paths. We acknowledged ourselves *lost* in the depths of the lonely forest; it was now nightfall. We remained undecided, as those who are bewildered in the woods always do, riding up one path and down another until suddenly we heard a rustling in the thicket below and the next moment a noble buck bounded up the hollow on our left, leaped convulsively back and fell exhausted almost at our feet. He had been wounded, for the blood oozed slowly out of his flank. Soon we heard the trampling of feet upon our back. The pursuers came plunging on through brake and glen, and we already heard in fancy the hearty cheers of the huntsmen.

On, on came the hungry pack upon the scent of blood. The reeds in the ravine below came under their feet. We raised ourselves on our stirrups to give the *death halloo* when at the instant a dozen fierce forms leaped with a savage yell upon the expiring animal. One glance sufficed. They were not *hounds*, but gaunt and ravenous *wolves*, their eyes blood-shot and glaring and their tongues hanging down from their voracious jaws. We had no disposition to remain in the neighborhood and our frightened horse dashed forward like a flying dragon, snorting with terror. It was in vain to try to check him. Away he flew. He had taken a stony path leading down a long descent; his iron hoofs fell fast and sharp and left a train of fire behind him. For half an hour he continued his flight, bearing hard upon the bit, bounding forward like a deer and quivering with alarm at the fire that burst from beneath his feet.

At length the gentle tinkle of a bell was heard; a light flash through the woods and then on an abrupt turn of the path a solitary farm-house stood before us.¹⁶

In answer to our eager shout a female voice that sounded most benignantly bade us "light." We walked in, drenched

¹⁶The sketch embraced between references "15" and "16" appeared in the *Free Trader and Daily Gazette* of December 21, 1841.

and dripping, and found ourselves at the residence of an aged widow who with four daughters and three sons had lived there many years, their nearest neighbor being twelve miles off. They owned a large stock of cattle and the three boys (as the good mother called her sons, who were tall enough for Prussian grenadiers), were then absent with a drove. Finding ourselves welcome we stripped our horse and led him to a small stable that stood near. We found a trough filled with *potatoes* and the rack with hay made of the dry vines. Our horse ate them with great relish. On this farm, as on most of the others in the same locality, a few acres are cow-penned and planted for bread; an acre or two for rice; but the main crop is the *sweet potato*. Some nations boast of their palm tree which supplies them with food, oil, light, fuel, shelter and clothing, but it will be seen that we have in the potato a staple article scarcely inferior to it. It will grow upon soils too thin to produce corn and with little culture. It may be converted into a valuable manure. For forage it is excellent. Hogs and cows thrive upon it exceedingly. An acre properly cultivated will yield from three to five hundred bushels. Its farinaceous properties make it almost equal to bread and it supplies some of the most delicious dishes for the dessert.

Supper was somewhat tardy; but in an adjoining house, lit up by a brisk fire, we heard sundry "notes of preparation." It was a rare chance that brought a guest to that lone dwelling and its kind inmates were intent on making us comfortable. Lulled by the cheerful signs and savory odors we cast ourselves into an arm-chair and dozed until at length a gentle touch and a musical voice summoned us to the table. The repast was abundant, excellent and scrupulously neat—but almost every dish was composed of *potatoes* dressed in many various ways. There were baked potatoes and fried potatoes—bacon and potatoes boiled together—a fine loin of beef was flanked round with potatoes nicely browned and swimming in gravy. A hash of wild turkey was garnished with potatoes mixed up in it. A roast fowl was stuffed with potatoes, beside us stood a plate of potato biscuit, as light as sponge; the *coffee*, which was strong and well flavored, was made of *potatoes*, and one of the girls drew from the corner cupboard a rich potato pie. In about an

hour a charming blue-eyed girl brought us a tumbler of potato beer that sparkled like champagne and rather archly intimated that there were hot potatoes in the ashes if we felt like eating one. The beer was admirable, and we were told that good whiskey, molasses and vinegar were sometimes made of potatoes.

At length we turned in. The little chamber we were shown to was the perfection of neatness. The floor was sprinkled over with white sand. A small mirror stood on the wall, from which was suspended a sort of napkin tastily worked all over. Above was a rosary of bird eggs of every color, and over the window and pinned along the white curtains of the bed were wreaths of flowers, now dry indeed, but retaining their beautiful tints and making a very pretty ornament. An old oaken chest, highly polished and waxed, set in a corner, and over that a range of shelves stored with quilts, comforts, coverlids of many colors, the work of the industrious household. The pillows were bordered with fringed network and the sheets as white as the untrod snow; but the bed itself, though soft and pleasant, was made of *potato vines*. Either from over fatigue, our late and hearty supper, or from our imagination being somewhat excited, we rested badly; the night-mare brooded over us; we dreamed that we had *turned into a big potato*, and that some one was *digging us up*. Perspiring, struggling, we clinched the bed and finally leaped up gasping for breath. It was some time before the horrid idea would quit us. In the morning, owing to the drenching of the previous day, we were an invalid and threatened with fever and sore throat. The kind old lady insisted on our remaining in bed and she immediately bound a mashed roasted potato, just from the ashes, moistened with warm vinegar, to our neck and gave profusely a hot tea made of dried potato vines. These applications acted like a charm, and with the addition of a few simples from the woods were all the remedial agents ever used by this happy family. They could scarcely form a conception of a physician such as we see him here, riding day and night, keeping half a dozen horses, following the pestilence to enrich science with its spoils, attending the poor from charity, accumulating fortunes from the infirmities of the human family, but not unfrequently losing life in the effort. The mistress of the house had never known

a fever, old as she was, her blooming daughters looked incredulous when we described the ravages of disease in other parts of the State, and certain it is that none of them had ever before seen one the worse from having ridden six hours in wet clothes. When we took leave of our kind friends it was in vain that we offered them compensation. They welcomed us to everything and we set off with our pockets filled with biscuits, jerked venison and *potato chips*, a sort of crystallized preserves steeped in syrup and then dried in the sun.

Our adventure with the wolves the previous night excited no surprise. They abound in that region and have their dens in waste and desolate places. A strange story relative to them is told in the East. Some years since a wedding being about to take place in a thinly settled neighborhood it was necessary to send some twelve miles for an old "negro fiddler," who was indispensable at every frolic, quilting or house-raising for forty miles around. A wild, hilly, unsettled country lay between them. In the meantime the company collected, the *Squire* performed the ceremony, the groom had taken half a dozen "horns" all round with his friends and the jests at his expense had all been repeated and laughed at; the bride and the young ladies sat ranged around the room like so many beautiful statues pinned to the walls; the bashful gallants stood grouped about the doors and windows anxious to be in but fearing to approach and urging each other "to break the ice." The *Squire* and a knot of old 'uns were talking politics and, as the evening was warm, guzzling every ten minutes from a huge, hump-shouldered, short-necked, four-sided bottle, several of which stood on a broad flat stump before the door; while a score of matrons in white caps might be seen by the blaze of lightwood torches bustling about the supper table in an adjacent house. At length some of the girls began to yawn; the pretty bride herself looked drowsy; a scraping of feet was heard in the gallery and one or two impatient young bucks, anxious to show their keeping, commenced shuffling, cracking their heels together and cutting the pigeon wing. Still *no fiddler came*. Hour after hour rolled by—supper was deferred—the drinks came faster and sweeter and stronger—the yawning more visible among the ladies—the talking louder among the gentlemen on the

gallery, and yet "*Old John*" was not forthcoming. Never had he been so delinquent before. A wedding without the fiddler was scarcely considered legal. At length, as the night wore on, and the seven stars were high in the heavens, the impatience of the company became unbounded, and it was suggested that he should be sent for. The idea flashed across them that perhaps he had been beset by wolves. No sooner was this thought of than half a dozen young fellows mounted their horses and galloped on the path that led into the forest. About four miles distant stood an old waste house, and as they approached an infernal howling as from an hundred chained devils was heard and occasionally by way of interlude the squeaking of a fiddle. The old house had long been reputed to be "haunted." One moment the "boys" listened in surprise; the howl of a single wolf could not terrify them; but the diabolical serenade from a dozen and the twanging of a fiddle from *that* dark old house! Davy Crockett himself couldn't have stood it, so they "turned tail" and "cut dirt" for the place they came from and reported that the Devil had caught "*Old John*" and was then at the haunted house dancing a "break-down" with fifty she-wolves for his partners! So wonderful a story, supported by sundry oaths, of course threw everything into confusion. The young ladies did not *quite* go into duck fits, but they exchanged mysterious looks and gathered round an old woman whose voice sunk into a whisper as she related some legend of sheeted ghost and midnight murder. The *Squire*, who was the oracle of the neighborhood, rather discredited the story; he took a big drink and insinuated that the "boys" had tipped the bottle once too often before they set out, and roundly swore that he would face all the wolves in creation and all the fiddlers in h—l if the company would back him. A drink all round was taken on the strength of this speech, and in a few minutes the men were *en route* for the scene of action. They rode on in great glee for a mile or two, but gradually sunk into silence, and at length the wolf chorus came floating on the breeze and then the sharp notes of a fiddle were distinctly heard. The horsemen dismounted and crept slowly forward, concealed by the bushes, towards the haunted cabin. At that moment the moon burst forth and within the building might be seen the form of the old

fiddler poised in air playing a Virginia jig while a crowd of wolves or demons were leaping, bounding and howling to the music. A hurried council was called. The company satisfied that it really was the *Devil* voted an immediate retreat, but the Squire jerked out his prayer book and swore he would run his nose through the chinks if every man deserted him. He started forward, repeating the words of the ceremony he had just performed, while the others, half ashamed and half afraid, dropped into line. The nearer he got the louder and more devoutly he spoke. The howling of the wolves became terrible; the fiddling grew livelier until suddenly the yell and din rose to such a tremendous key that the line paused, then broke in every direction and the Squire shouting "Devil take the hindmost," mounted his "singe cat" and was the first to give the alarm to the terrified ladies. There was no sleeping that night. The rose leaf on the bride's cheek had paled away; the jessamine drooped on her raven locks, though nourished by the sigh that came ever and anon from her gentle bosom. The groom sat by clasping her snowy hands and gazing with long, fond looks upon his priceless treasure. At length day came, and a more haggard, gloomy, disappointed company might not be found in the world. It was determined, however, once more to repair to the spot. Few things string the nerves like a clear sky and a sparkling breeze. They rode boldly forward; the tumult was heard as loud as ever. They pushed on. There stood the house—there leaped a dozen wolves up and down, panting for breath, their eyes red and fiery, their tales switching furiously to and fro; and there on the joist was perched—not the Devil—but *Old John* himself! The story is soon explained. He had set out rather late on the preceding evening for the wedding; night overtook him among the hills and he soon heard the ravenous creatures on his track. Nearer and nearer they came; faster and faster he fled, but still they gained on him. He dropped his hat—that detained them an instant. He then threw down his coat—they paused to scent it, but the next moment on they came, now in full view. Almost desperate he tore off his shirt, but they merely paused to toss it in the air. Their victim was just before them and on they rushed. The fugitive dashed forward to the cabin, bounded convulsively to the joist, and at

the instant he swung himself clear from the floor the whole troop plunged madly in, gnashing their teeth and swelling with rage. Finding himself secure and recovering his composure he滑ed along the beam and with his foot closed the door, thus imprisoning the whole gang. He then braced himself up, unslung his fiddle and begun to play partly in hope of being heard but mainly to keep himself awake. John, like others of his drowsy race, was apt to sleep, and to avoid that he rattled off his jigs till daylight. The effect of this music on the wolves was singular. They leaped up incessantly and frantically, foaming at the mouth, snapping at each other, yelling hideously and to all appearance raving mad. John was soon relieved; the monsters shot and scalped; the company repaired back to the house, had a roaring carouse, and the story is still told and the ruins of the cabin are yet to be seen on the waters of Leaf River.¹⁷

¹⁷The sketch embraced between references "16" and "17" appeared in the *Free Trader and Daily Gazette* of December 29, 1841.

A
BRIEF HISTORY
of the
Mississippi Territory,
To which is prefixed,

A
Summary view of the Country
between the settlements on
Cumberland—River,
& the Territory.

By James Hall, A. M.

SALISBURY:

PRINTED BY FRANCIS COUPEE.

1801.

"Copy-Right According To Law."

[NOTE.—The following reprint of the first history of the Mississippi Territory is based on a copy found in the Library of Congress. So far as is known to the editor of these *Publications* no other copy of the original edition of this valuable work is in existence. A typewritten copy, in the Department of Archives and History at Jackson, Miss., (which was used in this connection) is probably the only other copy of this rare history to be found in the State.—EDITOR.]

PREFACE.

In May 1800 a commission was transmitted to me by the General Assembly of the Presbyterian Church, convened in Philadelphia directing me on a mission to the Mississippi Territory. The Synod of the Carolinas commissioned two other missionaries to accompany me on the tour.

We arrived at Nashville about the middle of the following November where we intended to take boating for the territory; but the extreme lowness of Cumberland river rendered our passage that way impracticable. We therefore proceeded on horseback by the way of Chickasaw nation.

We arrived at the territory on the first week of December, and left it on the third week of April.

As I* have been solicited by sundry persons to publish an account of my travels through that part of the Union, and having my own geographical curiosity highly gratified by travelling through such a vast tract of country, the history of which is little known; presuming that a brief view of the inter-jacent space between the settlements of Cumberland and the territory, together with a sketch of a history of that territory, would afford some gratification to my fellow citizens, the following pages are with deference submitted to the candor of the public, by their humble servant,

THE AUTHOR.

Iredell County, North Carolina, August 25th, 1801.

*The author is not unapprised of the refinements of modern criticism, on account of which a historian is apt to be branded with the appellation of an egotist, if he use the pronoun, I; yet this he is willing to risk rather than use so many circumlocutions as must otherwise occur in the following history.

**A SUMMARY VIEW OF THE COUNTRY FROM THE SETTLEMENTS ON
CUMBERLAND RIVER TO THE MISSISSIPPI TERRITORY.**

After crossing Harper River, ten miles from Nashville, the land for a few miles is hilly, but the soil of a tolerable quality.

It then becomes level and barren, with scarcely any timber except post-oaks. Thus it continues for a distance of about 20 miles until the road falls upon Long Flat Creek, on which are bodies of good low grounds. This is a branch of Duck river, on which are very little low grounds at the place of crossing but the soil is good for the distance of five or six miles on each side, though much broken with hills.

The distance between Duck and Tennessee rivers is about 100 miles, in which distance excepting what has been mentioned, together with small strips of low grounds being along Swan and Buffalo rivers, and two or three other small streams, there is not a spot over which the road passes which would make an eligible farm until you reach the low grounds of Tennessee river. The country is generally hilly, and many of the hills are mountains in miniature. Many of them are covered with chestnut-oak, and other timber which show marks of sterility, and the surface abounds with white flint-gravel.*

A good ferry is kept on Tennessee, by Major George Colbert, a half white of the Chickasaw nation at the Mouth of Bear Creek, thirty (some say fifty) miles below the Mussel shoals. At that place is a body of excellent low ground on both sides of the river.

From the ferry until within a few miles of the Chickasaw towns the land, high and low, may be termed barren. Though it is cut by vast number of small water courses, which carry great quantities of low grounds, abounding with excellent oak timber; yet those appear rather poorer than the high land. The distance is about 90 miles. Within eight miles of Big Town, the principal town of the nation, the road passes over some flats of good hickory land.

*Should Congress adopt the report of their committee, respecting the claims of N. Carolina and the purchase should fall on that part within the limits of the flats of Tennessee, from the view I had of it, the one tenth, perhaps the one fiftieth, acre would not be worth the office-fees.

The open ground in and about the town is between three and four miles in diameter. It was once the residence of the whole nation; but the strength of the soil being exhausted, the greater part of the inhabitants have moved out and settled in other villages. They are still limited within small bounds, as they are a small nation.

A white man who lives among them informed me, that when they were invaded by the Creek Indians, a few years since, as soon as the action began in one of the towns, the inhabitants of all the others heard the guns, and came to the assistance of their brethren.

Big Town, from a transient view in passing thro' it, appears to consist of about 200 houses. Their dwelling houses are neat log cabbins. Besides these they have their hot houses which serve for a residence for their families in winter, who can there subsist on a small quantity of fuel.

They are of a cylindrical form for the height of seven feet—terminate in a flat, conical roof, and thatched with sedge grass from top to bottom. They have no opening except a door at the outward end of a narrow passage, a few feet in depth; and some of them have a small window at the opposite side.

Their corn houses are cock lofts, raised on posts, and under which they have their fire wood deposited in neat order.

They are exceedingly hospitable to travellers. On entering one of their houses, victuals cooked in their way are immediately offered, and they are not pleased if the guest does not partake.

Husbandry, and consequently civilization, is making considerable progress among that people and also among the other southern tribes. To this the Federal agents are much contributing by encouraging agriculture among the men, and spinning and weaving among the women. The culture of cotton is making considerable advances among them. Gins were erected or erecting last spring in all the three southern nations; and it is probable that in a few years the cotton trade will be considerable among them. Their soil and climate are both exceeding favourable for that article; besides, they may have a ready conveyance to the ocean by the southern rivers.

The northern missionary society have employed the Revd. Joseph Bullen as a missionary to the Chickasaw Indians, and an assistant, Mr. Ebenezer Rice. They have settled among them with their families. They seem to meet with some encouragement, as to the religious instruction of the Indians, as they profess to hear with much reverence *The Beloved Speech*, as they term the holy scriptures. Mr. Bullen told me, that one of the greatest obstacles which appeared in his way in effecting instrumentally a reformation in their morals, was, the abandoned lives of white men among them. He informed me, that not long before our conference he undertook to admonish an Indian of very considerable influence for taking a second wife while his first was living with him. He replied, "there is A.—B.— naming a white man, a great man; he has five wives, and why may I not have two?"

Some of the Chickasaws are men of considerable property, have a number of slaves and farm largely, particularly the Colberts, of whom there are five or six brothers, and the Wolf's Friend, a man of considerable influence in the nation.

From the Chickasaw towns to the upper end of the territory the road passes nearly on the ridge between Big Black, a branch of the Mississippi, on the right, and of Tom Bigbee and Pearl rivers on the left. Here are beautiful flats of hickory land. The contemplative traveller's mind is merely fatigued with the beautiful prospects which are exhibited to the eye—plain beyond plain, to which it can descry no limits, and soil of the first quality. This is more especially the case opposite to the Choctaw towns which we pass on our left.

The greatest inconveniency which attends that country is the scarcity of timber; scarcely any to be seen on the best land except short-bodied hickory and some black-jack; but the low grounds which are of an inferior quality abound with good timber.

It appears, however, that the deficiency of timber may, in some measure, be compensated by the permanency of ditches; for it is observable, that the hillocks thrown up by the roots of hurricane timber stand at an unusual height when the trunks of the trees are totally obliterated.

As the traveller approaches the territory the timber becomes heavier, the land more hilly and covered with cane, none of which is on the high land from the waters of Duck river until within a day's ride of the inhabitants of Big-Black, on which are the highest settlements in the territory, except a few families at the Walnut-Hills.

BOUNDARIES OF THE TERRITORY.

The present bounds of the territory, as purchased from the Indians, are as follows:

Beginning on the eastern bank of the Mississippi, where it is intersected by the thirty first degree of North latitude; thence along that parallel 60 miles, which divides it from West Florida on the South; thence a direct course between North and West until it strikes Yazoo river ten miles above its confluence with Mississippi; thence down those rivers to the beginning, including Adams county on the South, and Pickering county on the North.

Connected with those is Washington county on Tom-Bigbee which is separated from the above by a waste of Indian land, of more than 200 miles in breadth. Those three counties were purchased from the natives by the British, when in possession of the Floridas.

OF THE TIME OF ITS SETTLEMENT.

At what time the present territory was first inhabited by Europeans I could not exactly ascertain. It was first discovered in the year 1682 by M. de la Salle, who, after a tour from Canada to Illinois, proceeded down the Mississippi to the gulf of Mexico; and, erecting the French standard, took possession of the country in the name of Lewis la Grande. He then returned by the way of Canada to France; and having obtained a commission as Governor of all the inhabitants, whether French or Indians, from Illinois to the Gulf, sailed with a squadron of four ships from Rochelle in the year 1684.

Being a man of a haughty, imperious disposition, and trusting to his own knowledge of that part of the gulf into which

Mississippi falls he would not consult his naval officers, missed the mouth of the river; & proceeding to the westward fell into the bay of St. Bernard. Approaching too near the shore in quest of the river, one of his largest ships, in which was a great part of his provisions and military stores, was lost on a shoal. He then made an incursion with a party into the country, and was murdered, together with some of his principal officers, by his own men.

The historian, from whom this account is taken, says no more of that expedition, but occasionally mentions, that the officer, who succeeded Salle in the command, was conducted to the Mississippi by the Indians of that neighbourhood. It is probable, however, that a colony was planted there by the French about, or before, the end of that century. He gives no further account of the country until the time of

THE MASSACRE OF THE FRENCH.

This happened in the year 1728. Sieur de Chepor, who commanded at the post of Natchez, was an austere, avaricious man.

He had, for some time, cast his eye upon White Apple Village with a design to make it his own. It was situated on a beautiful, fertil plain, on Second Creek, twelve miles S. E. of Natchez, and is now the dwelling of Col. Anthony Hutchens.

The commandant ordered the village to be evacuated. The chief who inhabited it remonstrated, alledging that the bones of their ancestors were there deposited, &c. but no remonstrance could dissuade the commandant from his purpose; and he threatened them with inevitable destruction if they did not immediately evacuate the village.

The chief dissembled his resentment, and begged two moons until they would look out and prepare a new habitation; during which time he promised a tribute of skins, furs &c. as a compensation for the delay. He then sent messengers to all the neighbouring nations; a convention of chiefs was called, and a scheme concerted to extirpate at one stroke, all the French on the Mississippi from Natchez to the ocean; Natchez and its vicinity being then the highest French settlement below Illinois.

The time appointed for that purpose was the 28th of February, 1728, at 9 o'clock in the morning.

That no mistake should be made respecting the time, each chief prepared a bundle of rods, equal in number to the days that were to intervene.

Each of those bundles was committed to a priest and deposited in their respective temples. Each priest was to take out and destroy a rod every morning; and on the morning when only one rod remained the fatal blow was to be given.

The supreme monarch of that country, whom they termed *The Great Sun*, was the son of a royal female of great eminence among them, by a French man; royalty and nobility being both reckoned among them from the mother, whoever might be the father.

He was a youth of only eighteen years old, but his station admitted him as a member of the council. The chiefs kept their design a profound secret among themselves. To this the old empress, (for so she may be called, being the relict of the last preceding Great Sun) was not accustomed, being formerly admitted into their councils. She knew that messengers had been sent to other nations, that their chiefs had various meetings &c.

She was more anxious, as she suspected a design against the French, for whom she had a special regard. She pressed upon her son to discover to her the design, but in vain. On a certain day she invited him to walk with her to White Apple Village, and conducted him along a private path—sat down with him by the way, pressed, yea, adjured him by all the filial duties which a child owes to a parent,—the affection of a mother—by that nourishment he had drawn from her breast, &c. to disclose to her the secret; until, worn out by her importunity, he divulged to her the whole scheme.

She remonstrated against it, but without effect. Fearing to appear publicly against the design, she communicated it to some young Indian women with whom she knew the French were intimate and they to them. The Frenchmen mentioned it to the commandant; but he was so blinded by his avarice, and flushed by the wealth he was daily amassing; and being

confident of his power and influence over the Indians, that he arrested one of the officers and laid seven other Frenchmen in irons for raising a false alarm, because they communicated to him the information they had received.

When the old empress saw that she could not avert the impending blow, she had recourse to the following stratagem, to make it as light as possible. She found access secretly to the temple in the neighbourhood of Natchez, drew out and destroyed two of the rods, which would lead the nation at the Natchez to strike two days before the others, by which the other French settlements might be apprized of their danger, and act on the defensive.

When the fatal morning came, all were secure and unsuspecting. The Indians had the freest access and recess to and from the garrison and neighbourhood; and a sufficient number was appointed to carry the design into execution, both in the garrison, and at each house.

A few guns fired at the commandant's quarters was to be the signal. The carnage was immediately general, in which 2000 French of all ages and sexes were massacred without mercy. Only one Frenchman escaped, and the present inhabitants say he was so closely pursued, that he was forced to swim the Mississippi four times on horseback on the same day. Twenty five negroes escaped; but the greater part of them were wounded. Ninety women, and about the same number of negroes, together with one hundred and fifty children were made prisoners.

The other nations, particularly the Chactaws, not knowing why the Natchez struck before the time appointed, alledged that they intended exclusively to inrich themselves with the spoils, and joined with the French to chastise them. The Natchez returned the women and negroes.

While the French were collecting their forces, the Natchez erected a fortification a few miles up the Mississippi, in which the French and their allies attacked them. About 1000 of them were made prisoners; they were sent to New Orleans, and sold as slaves in the island of St. Domingo. The remainder, taking the advantage of a thunder storm, escaped to the Chickasaws, where they found an asylum.

REPOPULATION AND REVOLUTIONS.

From that time the country appears to have been destitute of inhabitants until it, together with the Floridas, was ceded by Spain to Britain, at the peace of 1763, after which time it was re-inhabited by a colony of British subjects.

In 1779 the present territory was conquered by the Spaniards, who attached it to their province of Louisiana. In 1781 an insurrection was made by the citizens, (said to be at the instigation of the British at Pensacola,) and the Spanish garrison at Natchez surrendered to them; but the Pensacola being, shortly after, taken by the Spaniards, the citizens were obliged to surrender, and cast themselves upon their mercy. Seven of the insurgents received sentence of death, but were pardoned by the Governor.

At the definitive treaty of 1783, Britain relinquished to Spain all her claim to the southern part of North America, lying East of the Mississippi and in 1796 Spain guaranteed to the United States all that tract of country lying on the same side, above the thirty-first degree of North latitude; yet the Spanish government still continued to be administered until the national boundary was established by commissioners appointed by the court of Spain and our Federal government. That tract of country, whose boundaries have been described above, was then formed into a Congressional government, in 1798, and is known by the name of "*The Mississippi Territory.*"

The late, and present, form of Government.

The ordinance of Congress for territorial Government provides, that Congress may appoint a Governor for three years, a secretary of state for four years, and three judges who may continue in office during good behaviour. The governor and judges shall have power to adopt such laws of the original states, as may appear to be adapted to the circumstances of the territory, provided those laws be approved by Congress, until the number of free male inhabitants, above the age of twenty one years amount to 5000; at which time they shall be at liberty to choose a legislature of their own.

The Governor is authorized to exercise supreme executive jurisdiction in the territory, to appoint and commission all magistrates and other civil officers, also all militia officers, except general officers, who are to be appointed and commissioned by Congress.

The judges have jurisdiction of all civil matters above the powers of the county courts, and of appeals from them, also in all criminal cases. This is the first grade of territorial government.

In the second grade, the ordinance provides, that when the number of free males, qualified as above, amounts to 5000, they may choose a representative for every 500, and so in proportion, until the number be twenty-five.

Those representatives, when convened, shall choose ten citizens, qualified as the ordinance directs, whose names shall be forwarded to Congress; and they are to appoint five of that number, who are to form the legislative council; and they, together with the representatives, shall form the legislature of the territory; but no bill shall pass into a law until it receive the sanction of the Governor.

The citizens of the territory have already passed through the first grade of territorial government, and during the last session of Congress have obtained a charter for the second.

This is evidently a special favour granted to the citizens, in consequence of their petition and remonstrance to Congress, against the administration of some of their higher officers of state; as their number was then known to be considerably below the number specified in the ordinance, entitling to the second grade.

It is not necessary to mention the reasons on which that remonstrance was founded, as the whole subject is so amply discussed in the proceedings of the Federal house of representatives, during their last sessions.

PROPRIETY OF THE SOIL.

The difficulties on that subject have been so great, that no grants have yet been obtained in the territory for vacant lands under the American government. For those lands, there are no

less than three public claimants, the Federal government, the legislature of Georgia, and the Georgia companies, as they are called.

From the latter of these are excepted eighteen geographical miles wide, along the national boundary, which the legislature of Georgia, reserved to the state, when they sold the land to the companies.

The claim of the Federal government is supposed to rest on the three following principles,

1st. The enlargement of the province of West Florida by the court of Britain in the year 1770, and, in connexion with that,

2d. The surrender of the territory to the arms of Spain in 1779, and the guarantee of it by that court to the American government in 1796.

3d. Because the royal charter for the province of Georgia, never extended south or west of the river St. Mary's, and the western branch of the river Altamahaw.

In the year 1764, a representation was made to the court of Britain by the lords of trade and plantation, requesting an enlargement of the province of West Florida, above the thirty-first degree of north latitude; in consequence of which royal instructions were sent to Sir Peter Chester, then governor of that province, in March 1770, by which said province was extended up the Mississippi to the mouth of Yazoo river, thence due east to the river Apalachecola, thence down said river to the thirty-first degree of North latitude. Besides, the territory had been actually purchased from the Chactaw Indians in the year 1777, and surveyed by Joseph Purcell, commissioned for that purpose, in 1779.

Nothing further is necessary on the second ground of claim, besides what has been said above.

As to the third, let it be observed, that the original charter of Georgia limited the province within the following boundaries, beginning at the source of the principal branch of Savannah river, or where it intersects the Carolina line; thence down said river to the sea shore; thence along that to the mouth of the river Altamahaw; thence up said river to the source of the most western branch; thence due west to the western, or (as it is called) southern ocean.

Some time after, the government of South-Carolina opened a land office, on that tract of country which lies between the Altamahaw and St. Mary's. Against this the government of Georgia remonstrated to the court of Britain, in consequence of which governor Boone, then Executive of South-Carolina, was ordered by that court to withdraw those warrants, and the limits of Georgia were extended along the sea shore to the mouth of the river St. Mary's; thence up that river to its source; thence a direct course to the source of the Altamahaw, already mentioned.

On whatever footing the claim is founded, the convention, who formed the constitution of Georgia, extended their limits, or supposed them to be extended, to the national boundary on the south, and to the Mississippi on the west. Subsequent to this it is said, that the silence of the Federal government denoted approbation. It is further said, that although the province of West Florida was enlarged by the royal edict, as above; yet it was not promulgued by the royal proclamation, as was done in similar cases, therefore not obligatory.

The tenure by which the companies hold their claim is so well known throughout the Union, that it requires no explanation.

It is also known, that commissioners have been appointed by the Federal government and the state of Georgia, to adjust the above claims; but nothing has yet been effected to prepare the way for opening an office for the vacant lands of the territory.

Besides the difficulties already mentioned, some doubts remain among the citizens respecting the rights of land already granted. When the Spaniards took possession of the territory, a proclamation was issued by the Governor, allowing eighteen months for those who had British grants to renew their titles under the Spanish government. When that time had elapsed, the same length of time was again given, of which the greater part of the resident citizens availed themselves, and renewed their titles. Some neglected, and their titles, together with those of non-residents, continue as they were.

Some British proprietors had large tracts, particularly lord Eglington, who had a grant for six miles square near the town of Natchez. That tract was chiefly, if not wholly appropriated by the citizens by Spanish grants. The most enlightened cit-

izens, however, as well as the officers of Government, do not doubt the validity of the Spanish titles.

The prices of land are various, according to its equality and situation. Second rate on the frontiers may be had at two dollars, and from that to ten dollars per acre.

Face of the Country.

Along the Mississippi lies a body of land from fifteen to twenty miles wide, and extends to a greater distance up the water courses, scarcely any of which can be termed barren. The high ground is much broken with sharp ridges and deep, narrow vallies; but the low grounds, of which there is a very large proportion, are very level; nor are they broken with ponds or marshes. When the flood has receded from the low grounds, except some of the flooded land, there is scarcely an acre of marshy or wet ground to be seen.

A high bluff runs along the side of the flooded land, at an average about 150 feet in height; some places much more. Mount Washington, at the bottom of which stands Fort Adams, is 284 feet above the surface of low water. The river bends eastwardly towards the bottom of the mount. Between them is a narrow flat of land on which is erected a handsome battery and several convenient houses for the officers' quarters. No regular barracks are yet built, but the soldiery lodge in detached cabins. Works are shortly to be erected on the top of the mount, from which there is a beautiful and commanding view of the river for several miles both up and down.

Proceeding up the water courses, the high land becomes more level, though not so fertile; but covered with groves of beautiful timber.

The territory, which extend more than 150 miles along the river, is generally well watered, abounding not only with many permanent springs, but has several considerable streams, which, time, may be made boatable many miles into the country.

Of those are Big Black, Bayopiere, and Cole's Creek above the town of Natchez, and Homocheto, and Buffaloe below, all at such regular intervals from each other as to render boating easy from all parts of the territory. At present the extreme

crookedness of the streams, winding through large flats of low grounds, and the vast quantities of timber fallen into them, render the passage of boats impracticable in many parts of them; but when the country comes to be improved, and the streams thrown into strait canals, which may be easily done on account of the softness and openness of the soil, and its entire freedom of all kinds of stone, they may not only be made more convenient for conveying produce to market, but such an improvement would prevent the low grounds from much of that damage by floods to which they are now exposed.

But such an enterprise will not be effected until under a high state of population and improvement.

Towards the lower end of the territory, the hills rise to a great height for the distance of several miles from the river. They are extremely rich, and might be greatly improved in the culture of vines. Mount Washington is only one among many hundreds of promontaries in that part, and is overlooked by several in the neighbourhood; but not so near as to give annoyance.

From many of them the stream of the river is fully in view for several miles; although it is almost universally lined with tall and dense groves of cypress, cotton wood, sycamore, &c.

What adds to the beauty of the prospect is, that they are generally covered with holly, wild peach-tree and magnolio, the latter of which grows to a large size, and in the spring produces a beautiful, large white flower. They are all evergreens, and exhibit to the admirer of the beauties of nature a romantic and pleasing scene.

The greater part of the territory abounds with vast quantities of lofty timber, except where the cane is large. On the high ground, where the soil is thin, the greater part is red-oak. On the low ground those grow to an immense size. My curiosity led me to measure two of them, one of which was $22\frac{1}{2}$, and the other 26 feet in circumference three feet from the ground. Upon the rich land, high as well as low, the timber is chiefly of the swamp kind, such as walnut, cherry-tree, mulberry, elm, ash, hackberry, iron wood &c. Grape vines grow there to a vast size; also a vine, whose bark resembles that of black-walnut. When bled in a proper season, it produces a sweet, strong liquor from which excellent sugar may be extracted.

Towards the lower end of the territory, such is the size and quantity of cane, even on the highest hills, that, to those who never saw it, a description would appear incredible, and in many places almost to the entire exclusion of timber, except a few scattered trees of walnut, mulberry &c. which indicate the excessive strength of the soil.

No stones are to be seen, even in digging wells, except some quarries of free-stone towards the upper end of the territory; and in various parts of the bluff is a yellow limestone, which appears to be a concretion of shells, and, when burnt, produces good lime.

There are also petrifications of various substances, formed by water oozing out of the bluff. I saw what appeared to be the shoulder blade of a buffaloe formed into a solid stone, and the citizens informed me, that even small, green vegetables assumed the same appearance.

SOIL AND PRODUCE.

After the view which has been given of the natural growth, little need be said as to the general quality of the soil. It seems gradually to increase in strength as you descend the territory to Bayo Sarah, a stream which cuts the national boundary obliquely, where the land is evidently of a quality much superior to the best land in the settlements on Cumberland river, the character of which is so well known that it needs no description.

The soil is exceedingly favourable for Indian corn, tobacco, indigo, cotton, hemp and flax. It is also tolerably favourable for wheat, rye, oats and barley; but the grain of those is not so full and heavy as in more northern climes. The tobacco of that country is said to be the best in the Union.

Cotton is now the staple commodity in the territory, and grows to great perfection. To the maturing of that, as well as other produce, the warmth and length of the season must contribute.

The quantity of cotton in the seed, produced from one acre of land, is from 1000 to 2000 (some say 2500) pounds. About 1500 may be considered the average. Hence, from 130 acres of good land a farmer will expect about 200,000 pounds, for which

quantity many farmers were pitching their crops last spring. That will produce 50,000 pounds of clean cotton.

Almost every farmer of considerable force has a horsegin on his farm. Those will take out of the seed from 500 to 1000 pounds of clean cotton in a day. To those gins the lower class of farmers carry their cotton, which is taken out for the tenth pound. A few gins are turned by water; but dams are so difficult to be kept up, that few risk the expence.

Garden vegetables grow there in the greatest perfection. I ate ripe strawberries on the last week of March, which were cultivated in a garden, and green peas on the first week of April.

It is expected that the sugar cane may be cultivated in the lower part of the territory to advantage. A planter made an experiment last Summer, 15 miles above the boundary, which promised success in the culture of that article.

The greatest inconvenience which attends the soil, is its loose, loamy nature, which exposes it much to washing away, where the land is hilly or rolling; yet it is so open, that the rain sinks immediately on the levelest ground; so that in a short time after the heaviest rain there is no water on the surface to impede the business of the farmer.

CLIMATE.

As the territory lies between the 31st and 34th degrees of north latitude, the climate may be supposed to be temperate. During last Winter, there were not ten days which would have been reckoned cold, for the season, in the middle of North-Carolina, although on the night of the 17th of last December, in various thermometers, with Ferenehts scale the mercury stood from ten to eleven and a half degrees above O; but that was supposed; from various effects produced, to be the coldest night which was ever known by several of the oldest inhabitants, with whom I conversed on the subject.

The citizens informed me, that the heat of Summer is not so excessive as might be expected so far to the southward, on account of frequent and steady breezes which continue in the hot season.

It is evident, that the territory is much more healthy than places between the same parallels in the southern states. This, no doubt, arises from the surface being entirely free from stagnant water, and its elevated situation. In the latter a stranger to the country may be greatly deceived; for example, when he goes into Pinkneyville, a village about two miles above the boundary line, he will think he is on an extensive plain of rich, low ground; but if he proceeds two miles to the westward, without making any ascent, he will find himself on a bluff between 150 and 200 feet high.

In the town and neighbourhood of Natchez as healthy, well-blooded and numerous families of children may be seen, as are common to the back part of the southern states; and this is common to other parts of the territory, except where families live near the flooded lands of the river.

It is granted, that very different accounts are given by many, who descend the river in trading boats, and the appearance of many on their return, correspond with those accounts. But to this it may be replied, that it cannot be supposed the most of those, who are employed as boatmen, are the most regular livers; nor would this idea be readily counteracted in one who would meet twenty or thirty of them on their return through the wilderness. The case would be the same should he be a witness to their conduct and situation while in port. Their lodging either in their boats, or in and about the dram-shops, between the bluff and the river, the humid state of the air, their use of the numerous springs which issue from the bottom of the bluff, and which are strongly impregnated with copperas and other mineral substances, the vast quantities of spirituous liquor consumed by them, &c. &c. are circumstances which evidently operate more against their health, than anything relative to the climate.

It is, indeed, found, that those families, who descend the river late in the Spring, are afflicted with agues and fevers in the following Summer; but this may be rationally accounted for from the humid vapors which arise from the river, and the putridity which the bilge-water in the boat acquires in warm, more than in cold, weather. It would therefore be advisable for those fam-

ilies, who descend the river, to endeavour to reach the territory, at farthest, about the first of February.

MANNERS, CUSTOMS, AND CHARACTER.

As that country, both under the British and Spanish regency, was considered as a sink for the dregs of the more northern parts of the continent, it might be supposed that profligacy of manners would much abound among the citizens. This is not so much the case as might be expected. When persons of that description have forfeited their character in one country, it is scarcely probable they will, without a reformation, support much influence in another.

Among the oldest inhabitants there are many of the most regular, moral conduct. This is a circumstance, perhaps, peculiar to that country, that the most opulent citizens are people of the best morals, together with the few professors of religion in the lower class.

This remark will apply with particular force to the citizens of the town of Natchez. For more than four months which I resided in the territory, a great part of which spent in that town, with one exception, I never heard a profane oath from, nor saw the appearance of intoxication on, an inhabitant of the place, who was in the habit of a gentlemen; but this was far from being the case among the lower class of mechanics, carters, &c.

The state of the territory is indeed deplorable for want of literary instructors. To this may be attributed, as a mean, much of that immorality which abounds, especially among the lower class. English school master[s] are difficult to be obtained; and many strangers, who undertake to act in that department, have contracted such vitiated habits in other parts, that their continuance is often but of short duration.

It would, undoubtedly have salutary effect, should a number of men, well qualified for the business, and of established moral characters, remove to the territory.

The case is no better respecting religious instructors. Only one Episcopalian, one Methodist and two Baptist clergymen, besides a few exhorters, all illiterate except the former, are in the territory.

My colleagues and myself were received with much cordiality and treated by all classes of the citizens with the utmost friend-shhip and attention. We all had repeated and pressing solicita-tions to return, in order to make a permanent settlement among them; and the regret appeared to be common between them and us, that our obligations to our respective pastoral charges prevented us from giving that encouragement which to them, we were well assured, would have been highly agreeable.

Such indeed were my attachments to that people on account of their peculiar friendship to us, and the influence which our continuing among them promised, that, in parting with friends, I never experienced more tender sensations, or as they may be called, wringings of heart, than I felt in parting both with families and societies; especially as it was under this impression, "That they should see my face no more."

Let the following address serve as a specimen of the disposition of the people toward us.

It was presented to us on the day of our departure; and was signed by more than thirty of the principal citizens of the town and vicinity of Natchez, among whom were a considerable number of the leading, civil characters in the territory.

Messrs. Hall, Bowman, and Montgomery.

Revd. Gentlemen,

"The citizens of Natchez viewing as arrived the moment of your departure, wish to discover a part of what they feel on this affecting occasion.

While, Gentlemen, we desire to return, through you, our sincere thanks to the Presbyterian General Assembly, for their great attention to our dearest interests, we cannot refrain from expressing our cordial approbation of your conduct while amongst us. Although we have not all been educated in the pale of the church of which you are ministers; yet we all feel interested in the object of your mission, and are disposed to maintain the doctrines you have delivered. For we have pleasingly witnessed, that so far from portraying those shades of religious opinions, not practically discernable, you have exhibited to us a moral picture to all equally interesting, (and ought to be) equally engaging. Omitting points barely speculative,

you have insisted on points radical and essential, and evinced by your deportment a desire to produce a combination of influence to support our common christian faith.

Such disposition and exertions we consider as proper & necessary to counteract the influence of infidelity, which had already produced alarming symptoms of moral and social depravity; and it is with pleasure we add, that since your coming among us, we have observed some indications of a beginning change in opinions and habits.

It would, Gentlemen, be too great a restraint upon our feelings, not to mention also the great pains taken by one of you to instruct us in things merely material*; and we trust, we were morally affected by the explanations given to us of those sublime and beautiful laws which govern nature, as well as religiously disposed by your unfolding the far more interesting principle of GRACE in the moral system of things, whose indestructible nature shall survive the general wreck of our present physical existence.

Influenced by considerations so affecting to our mental feelings, we offer you our thanks for the faithful execution of your well-timed mission among us; and our minds follow you with sincere wishes for a safe return to your respective residences.

Receive, Gentlemen, the unfeigned expressions of our concurrent sensations; and permit us to add an earnest solicitation for your return to our territory. Should this, however, be impracticable, you will please to exercise your influence in procuring, and sending others, whose zeal and abilities may operate to accomplish the incipient reformation your labours have instrumentally effected.

We are, Reverend Gentlemen, with sentiments of grateful esteem, Your much obliged, most

Obedient Servants,

JOHN STEELE, &c.

This seems much in favour of the propagation of the gospel in that country, that the most opulent citizens and influential characters appear to be most forward for its encouragement. One of their most wealthy and enlightened citizens expressed

*This refers to a course of lectures on 'natural philosophy, held weekly by one of us in the town of Natchez.

himself to me in these or similar words "Besides promoting the great object of religion, I think that a learned and respectable ministry would have a happy influence to meliorate the state of civil society among us with respect to morals, and would be the best means for the promotion of literature."

Respecting the bulk of the citizens it may be affirmed, that for hospitality to strangers; for politeness of manners, and sumptuous living among the opulent, they may vie with any part of the Union. With respect to the latter of these, it may be observed, that although the vast annual income of the wealthy can easily enable them to use very considerable quantities both of foreign diet & liquors; yet in a country where so many of the conveniences of life are produced as are, or may be, in that territory, if they were to retrench in these particulars, it might be an advantage to the lower classes, whose misfortune it is to strain after those in higher grades, in imitation of their mode of living. Such is the vast fertility of the soil, and so immense are the quantities of provisions and liquors, which are annually poured down the Mississippi, and which may be called domestic, that even those who turn their chief attention to the culture of cotton, and purchase provisions, &c. from the boaters, may, at a cheap rate, support their families.

POPULATION.

As the country lay depopulated from the time of the massacre of the French until it was ceded to Britain, it was, of course, settled by British subjects. Of those some were Europeans and some from the British colonies. Of native Spaniards or their posterity there are scarcely any, and only a few French and Germans.

On account of the different claimants of the soil, as already mentioned, no land office has yet been opened, and consequently no appropriation has been made of vacant lands under the American government; and, from whatever principles of policy it may proceed, emigrants have been prohibited from improving on those lands, or using any means even to secure for themselves the right of pre-emption. This has given an evident check to the population of the territory; for many families who have

removed there, have upon account of that prohibition, gone into the Spanish dominions, some into the province of West Florida, and some over the river into Louisiana. From the flattering prospects which that country seems to hold out, it is probable if that obstacle were removed, that the population would be as rapid as ever was in any part of America.

Government was taking the census, but it was not compleated, when we left the territory. It was supposed the number of free, white males would be about 4,000. It was supposed the blacks would amount to one fourth of that number. Supposing the rest of the inhabitants to be three times that number, the whole may be estimated at about 20,000.

TRADE AND COMMERCE.

The only trade of the territory is by the Mississippi—downwards from Pittsburg, Kentucky and Tennessee, and upwards from New Orleans. Store goods generally come down the river, being purchased at Baltimore or Philadelphia, and waggoned to Pittsburg; West-India produce and wines from New Orleans.

The river is of depth sufficient to carry ships of any burthen to Natchez; but it is so crooked, so excessive is its current, and is lined with such tall groves of timber, that sails are of little service. One experiment, however, was lately made with a vessel of considerable burden, and the advantage was found to be very considerable, when compared with freightage by row boats.

What renders the upward passage so difficult, is the crookedness of the river, together with the rapidity of the current. When a point is to be passed, the current is usually so rapid, that it cannot be stemed; then force must be applied until the vessel is carried across the river, and is in the eddy under the opposite bank. But as the trade of that country will in future be immense, those difficulties which now appear in some measure insuperable will yet be surmounted. Though the passage of large ships may be tedious, yet that it is practicable is evident; as, during the residence of the French in that country, a frigate of war lay a considerable time at the port of Natchez.

As the number of inhabitants is yet small, the consumption of foreign goods cannot be great.

There are about eight or ten considerable stores in Natchez. A merchant there, who may be ranked among the middle class of dealers, informed me, that his annual sum in dealing amounted, for the last two years, to about 50,000 dollars each.

Besides those there are several stores in the country villages, and other places in the territory; but a considerable number of those belong to the merchants in Natchez.

Cotton is the staple article with the merchants. Its price last winter was from 22 to 23 dollars at Natchez, and from 25 to 26 at New-Orleans.

Flour from the Ohio usually sells at Natchez from 5 to 10 dollars each barrel. Last April the best peach-brandy could be purchased there for less than 50 cents, good rye liquor 35 per gallon, Indian corn at $37\frac{1}{2}$ per bushel, and other articles of produce in proportion; but at that time the market was rather glutted. Dry goods are, at least, 25, some articles 50, per cent higher in price than in Salisbury.

The advantages of trade, in that country will in some future time be incalculable. This is evident, when we take into view the extreme fertility of the soil, and its aptitude to produce the most valuable articles for exportation. Add to this its proximity to the Mississippi, not only well adapted to carry off its produce; but which will always flow with almost all the necessities and conveniences of life. When we further take a view of the western parts of Pennsylvania, the two territories North West of the Ohio, the states of Kentucky and Tennessee, together with that vast scope of country which lies within our national boundary, both above and below the Ohio, which yet is uninhabited; when we extend our views still further to the westward, the Missouri and all its tributary streams, &c. &c. the produce of all which will, in some future period, glide down the Mississippi, the idea swells so upon the mind, that it need not be considered a hyperbole to say that even the Danube will scarcely be able to vie with the Mississippi in its commercial productions.

Among all the necessities of life, salt is one of the most expensive articles to be procured in that country. But it is probable

this inconvenience will soon be removed as there are said to be inexhaustible sources of rock-salt lately found in the bluffs of the Missouri. I am now in the possession of a piece received from a merchant in Natchez, which he received as coming from one of those banks. It is of a whiter and harder texture, and more difficult to dissolve than the common alum-salt, though equally pungent to the taste.

If such a source of it be there as is reported, a matter I never heard called in question, it is one among the many instances of the beneficence of a benign Providence exercised towards our continent.

CURIOSITIES.

The river Mississippi itself is indeed a curiosity. Notwithstanding the vast numbers of large rivers of which it is composed, independent of the Missouri, which is known to be the largest part at their confluence, it is not more than 180 perches wide at Natchez, nor does it, as I was informed, appear anything considerably broaded until some distance below the national boundary.

By the excessive drought of last Summer and Autumn, the river was lower last Winter than ever it was known by the oldest inhabitants. That displayed to view a flat of more than 100 paces wide along the bottom of the usual bank, at low water, which, probably, was never visible, at least for ages, to human eyes.

On that lie some trunks of trees in a complete state of petrification, bearing no marks of timber, except the form, and different colours of white and red wood, both of which are much changed.

On the same lie thousands of bodies, which have the appearance of stone, of all sizes from the bulk of walnuts to that of large pots. Many of the large ones are broken; they have the appearance of fragments of pots, and seems to be rich, iron ore. A stroke of a hammer will break them to pieces like an earthen vessel. They incline to a globular form, with some flats on their surfaces, and within each is a nucleus of a white, marly [?] substance, about the consistency, when dry, of chalk. The mass of the above plain is of a substance between hard clay and

stone, mixed with gravel, and so strongly impregnated with copperas that it becomes quite sensible, after rain and clear sunshine, both to the eye and the taste.*

What renders those circumstances more peculiar, is, that the place above described was lately a flat of fertile, low ground, and that even the place on which the town of Natchez stood, as lately as the year 1780, is now some distance in the river, according to the account of the inhabitants who lived there at that time; and very considerable losses have been sustained by the citizens, not only in buildings, but also in movables, by the sudden sinking of houses. A few small houses yet stand under the bluff, but as the river is annually encroaching on the flat of ground on which they stand, they must in a few years, suffer the same fate with the former. Chasms had opened, last Winter, of two feet wide above fifty paces from the bank of the river.

When the flood is rising, the bank is almost daily falling into the river; and where the boats are fastened, the boatmen examine whether there be any opening in it, as the boats are often in danger of being sunk by the falling in of the bank.

An old Spanish garrison stands on a promontory on the bluff, a little below the landing. Several respectable citizens in town informed me, that a chasm was opening 100 paces east of the garrison so that it is alledged the whole mount will, in process of time, tumble into the river. It was my intention to have viewed it, but have it to regret, that it was neglected until I left the place.

The flooded land, on the west side of the river is above 30 miles wide. By comparing the growths upon it, which are chiefly cypress, sycamore and cotton-wood, with those on the land formed within the recollections of the present old inhabitants, it is alledged to be all formed by the river receding from west to east.

About a mile above the landing are several caverns, horrible, from their depth, to a spectator standing above them, called *The Devil's Punch Bowls*.

They are divided in some places, by sharp, narrow ridges, on which a footman scarcely pass with safety.

*Of the three above materials the author is possessed of samples.

Those ridges terminate in points towards the river. That part of the bluff, in which they are, is about the usual height. The caverns are sunk to, or near, the level of the flooded land, into which they open on the west side.

They appear to have been sunk by some subterranean concussion, as the soil of the precipices is not like that on other parts of the bluff; but of a very steril quality, producing anything except short brushy pines, which I do not recollect to have seen in any other part.

Among the works of art, the mounds, cast up by the aborigines may be considered as some of the curiosities of the territory. They are to be seen in almost all parts of it, especially on large flats of sterile, low ground. Not less than eight or ten are in one of Col. Hutchens's fields, others on the low grounds of Homocheto, Buffaloe, &c. Of none of those I took the dimensions, but several of them appear to be 16 feet in perpendicular height, and may contain half an acre of land on the top. Near those I could see no hollow ground from which the earth which composes them could be taken.

But by far the largest I saw in the territory stands within Mr. John Griggin's enclosure, about half a mile N. W. of Ellicotsville. It is on a piece of ground moderately hilly; but from the appearance of the place, little advantage could be taken of any rising ground. My instruments for mensuration were not very accurate; but I am persuaded the truth will not be exceeded in the account given in the following description.

The mound is a rectangular parallelogram, though now washed rounding at the corners. It measures on the top 38 perches from east to west, and 28 from north to south, containing an area of six acres and 104, perches. It is considerably larger at the base. This area is a horizontal level, except the bases of eight smaller mounds which stand upon it. Round the large mound is a wide ditch, except, that on the south side there is a passage eight feet wide, descending by a gentle declivity to the common surface of the ground, above which the main platform is elevated about 45 feet; nor is there, as I can recollect, any ditch at the east end, where the fill falls off a little abruptly towards a hollow, running to the north, in which is a permanent spring about sixty paces from the bottom of the mound.

Towards the spring there appears to have been a covered way from the top of the principal mound, as there is a deep, narrow trench down that end, along which the rain runs in rapid torrents; and no such appearance is on any other quarter.

On the west end of the platform stands a smaller mound on a base of five perches in diameter, 28 feet in height. On the east end stands another on a smaller base, 12 feet high.

Three of a smaller size stand at regular intervals along the north side, and three others along the south side, nearly opposite to those on the north. Those are now from four to six or eight feet high; but they, together with those on the ends, appear to have been considerably washed down.

By comparing the ditch with the earth cast up, it does not appear that the one could have produced the fourth, nor perhaps the tenth part of the other. Be that as it may, it is a question not easily solved, how the savage state, which is usually averse from manual labor, and destitute of iron tools, should ever produce such a stupendous structure.

The largest tree on the mound was a red-oak. It had been cut down last summer, and I carefully counted the growths, which were 73 in number. This carried the date back exactly to the massacre of the French.

I likewise counted the growths of various other trees in sundry places in the territory, where the land appeared to have been cultivated, and found, without exception, the age of the oldest between 60 and 73 years.

Various are the conjectures, respecting the use of those mounds. Some alledge they were designed for places of worship, others places of defence. Probably the one described above was designed for both; for which the following reasons are assigned.

The French say, that the great mound in the Apple village was the seat of the Indians' temple, or house of worship. It stands on the bank of Second Creek, and the others, which are eight or ten in number, and of a much less size, stand in two rows towards the front, but a little to the right and left. This is the position of those above described.

An intelligent citizen of the territory also informed me, that while the French were collecting their forces, after the

massacre, the Natchez Indians cast up a mound, a few miles above the town, which though on a smaller base than the above, yet it still stands more than 80 feet high. It gave me much regret that this information was not communicated to me until I had left the neighbourhood, otherwise I would have made the place a visit.

The most probable conjecture, therefore, is, that the eminence on the west end was the seat of their temple, and the body of the work was designed as a place of common defence; for although there is no appearance of breast works round the top of the main platform; yet many might cover themselves by the small mounds; and it is, besides, evident, that, from such a stand, defendants might have great advantage, in the use of arrows and other missile weapons, against assailants.

That mound is not within several miles of any considerable water course, or any body of low ground, yet the neighbourhood round it, for some miles, as far as I had opportunity of examining, appeared to have been almost universally cleared.

This is evident, not only from several places which had not recovered the timber, but also from the form of the trees, being swelled at the root, short in the trunk, and heavy in the top, a form very different from the native timber of the forest in that country; but whether the inhabitants were French or Indians no vestige is left by which to determine, except what has been mentioned.

A tradition has currency in that country, that those stupendous works were raised by prisoners of war, but this seems to have no other foundation than the supposed similarity between the former and present savages, inferring the aversion from labour in the one, from what we see in the other; hence, that such an enterprize would never have been performed by them, except under principles of dire necessity; but such reasoning is by no means conclusive, as we know not what alterations may have taken place among them, either as to their form of government or mode of living.

Another curiosity which occurred to my view was the Pigeon Roost, on a branch of Big Black, about 60 miles below the Chickasaw nation. The reader may call it natural or artificial as he pleases. An account of the phenomenon there exhibited

carries with it such an air of the marvellous that had I been the only spectator, it would have been passed over in silence.

The pigeons had taken their station in and about a place known by the name of the Hurricane Swamp—The greater part of the large timber had been blown down, and they had perched on the branches of the small timber that remained; and which being broken by them, now hang down like the inverted brush of a broom. Under each tree and sapling lay an astonishing quantity of their dung, of which, from the specimens we saw, there must have been, not only hundreds, but thousands of waggon loads.

Round each resting place was a hillock raised a considerable height above the surface, although the substance had been there 18 months when we made our observations on the place. At that time the heaps were, no doubt greatly sunk. What bounds they occupied we could not ascertain, as the swamp was so full of bramble and fallen timber we could not leave the road. It is near a mile diameter, and as far as I can recollect their traces were the chief part of the way, and about 100 paces on the north side of the swamp.

The two following instances may serve to give some faint idea of their number. The one is a hickory tree perhaps more than a foot diameter, which may be seen by travellers for years to come, on the right hand of the road, near the northern entrance of the swamp on which a large number had settled. The tree had gone down by an easy descent, which was evident from its roots having raised a bank on the opposite side, and the bracers not torn out of the earth. That the tree had been considerably straight is evident from this circumstance, that a heap of dung lay round the root. The pigeons appear to have kept their station when the tree went down, for when the top rested on the ground, the body bent into a bow, the middle being about three feet high, in which position it still stands. Many similar instances may be there seen, and many of a more brittle texture were broken off in the middle.

The other instance is a place about a half a mile from the swamp, where a number of the pigeons had lighted on a thick wood of young red-oak, the limbs of which were almost universally broken down, on a tract of ground containing, by a sum-

mary glance of the eye about eight or ten acres. There they had made no tarriance, as they left no hillocks about the trees at the other places. The Chactaws killed vast numbers of them before they went away.

In an old field in the Chickasaw nation, on the defence of a hill to a small creek, where the path is washed down about a foot below the common surface, is a solid bed of as proper clam and oyster-shells as ever lay on the shore of the Atlantic. They are in a complete state of petrifaction, and about the texture of limestone.

They are not concreted into a rock; but loose from each other, though in close order. This is on one of the head branches of the western fork of the Tombigbee, 300, perhaps 400 miles from the ocean. Whoever takes a view of them, or the specimens of them of which I am now possessed, must harden his heart against conviction if he call them the mimics of nature. They have the form of the most perfect natural shells; and in many which I examined, the meat lies in its native shape, of a white substance of the texture and consistency of chalk, and the shell of a gray colour.

The nation of the Natchez are said to have been a shrewd, sagacious people. Of this the scheme of extirpating the French is no inconsiderable evidence; for in all probability, had it not been for the interference of the old dowager, the whole colony would have fallen in the same fatal hour.

A curious anecdote is related of an Indian chief of that country. In an early period of the French settlement on the Mississippi, a trader made a voyage up the river with a quantity of arms and ammunition, which he exchanged to the natives to advantage. Another adventurer made the same voyage the next year, expecting they had exhausted their ammunition. In this he was disappointed; for they had still a considerable quantity. They were solicitous to know how powder was produced. He gave them to understand, that it was sown, and produced by way of crop, and recommended their savannas as the most suitable soil for that purpose. They accordingly sowed what they had and purchased his cargo to serve them until the new crop would come to maturity. They set guards round the place to defend it from wild beasts, and watched with anxiety, but no crop appeared.

The next year another trader went to the same place with a quantity of goods, was received courteously by the chief, and a house was provided in which he stored his cargo. On the next day the Indians convened, and began to open his bales. One pulled this way and another that way, until his goods were all gone. He went to the chief & remonstrated. The chief told him gravely, that as soon as they had gathered the crop of powder he should be paid, and so he was dismissed.

HURRICANES

Are frequent, and often violent, in that country. By the devastation which they have made, they appear to be more common in the level country towards the Chickasaw nation than in the territory.

On our passage down, we crossed the trace of one about 120 miles from Natchez. Its direction was from west to east, & our road crossed it nearly at right angles.

For the distance of near a half a mile on the north side, the timber lay universally towards the south. In the middle it was tossed in every direction. On the south side it lay universally towards the north. This showed the most evident marks of a violent whirlwind, carrying up the atmosphere in the centre of the storm, consequently causing a rarefaction of the air which would occasion the denser air to press tolerably and beat down the timber on each side with the tops toward each other.

Similar appearances were exhibited to us in the effects of another hurricane, which passed a few miles south of the above, a few days before our return, and which must have happened about the same time with that which did so much damage at and near Wilkinsonville about the first of last April.

Its direction was from S. W. to N. E. We fell obliquely on its trace on our right. On that side a dense grove of timber was almost totally levelled as far as our view could extend. On our left were a few trees, all fallen towards the S. E. Proceeding thus along its verge for near a mile, where the fallen

timber all lay as above, we were turned into the midst of the wreck by a deep valley on our left. There the effects, being then fresh, were indescribable. Thousands of trees, of all sizes, were laid prostrate—some torn out of the earth, some twisted like withes others shattered to pieces so that where there had been, a few days before, a tall and dense forest there remained scarcely any thing except a few mutilated stubs, as a memorandum of the dreadful catastrophe.

Let the two following instances serve to give some idea of the violence of the tempest.

A hickory about 20 inches, diameter, was torn out of the earth, except, that it was held by some of the bracers. It fell on a declivity, making an angle of about ten degrees with the plane of the horizon. The top was afterwards driven up the hill by the force of the storm, until it had swept the ground in a segment of a circle about 110 degrees. That distance was easily perceived as the body of the tree had made a deep impression in the ground where it had fallen; and such was the force of the storm that a sluice of water had followed the tree up the hill, carrying with it a drift of small brush, leaves and other vegetables substances, so as to raise a bank of not less than two feet high against the top of the tree.

The ground was swept so clean, that we stood astonished at the phenomenon, until we perceived the course which the tree had taken.

The other instance was another hickory, near the same place, about 15 inches diameter. It had been twisted from near the ground to the height of seven feet, where, as it was of a very tough texture, it was shivered into a vast number of splinters, and the top had fallen to the ground. As the bark had split, and separated from the wood, there was an opportunity of observing, that before the tree fell, it had twisted fully once round in the above distance.

Such a minute detail would not have been given of the above circumstances, did not those, and similar phenomena, confirm me still more in a theory which occurred to me a number of years ago, on the formation of large hailstones which frequently fall, in Summer, in southern climes.

A few thoughts on the subject were sent to a number of the American, Philosophical Society about the year 1795, and the substance of them, as far as my recollection serves, (for no copy was kept) is subjoined in a marginal note.*

*The leading hypotheses in this theory, is, that hail is generated by whirlwinds.

When we take a view of small whirlwinds, which happen in dry weather, and consider to what a vast height they must carry up leaves, and other light substances, and compare them with the whirlwinds which must accompany such violent tornadoes as those above described, we must necessarily suppose the latter will carry up the humid vapors, which compose the clouds, to a vast height above the surface of the earth. It is also known, that there is a certain height where the action of the Sun's rays is too feeble to dissolve water when congealed, or keep it in a state of fluidity: hence perennial snows lie on the Andes, over which the sun passes vertically twice every year. We may then rationally conclude that those vapors are carried far above what may be called the freezing point; where they must necessarily congeal. After those particles have become stationary, they must descend; & as they are far distant from the earth, will gravitate a little more strongly to each other than when near the surface. When a number of them come into contact, they will be held together by the attraction of cohesion, and will necessarily descend with more velocity than when in a separate state; and as the vapor may be carried up a great distance above the freezing point, the mass, when formed, how small soever, will acquire bulk by falling through such a vast number of small particles. When a considerable mass is formed, it will acquire bulk after it has reached the vapor in a fluid, though cold, state; for that coming into contact with the frozen mass will enter its interstices and congeal; and this congelation may continue until the hailstone, thus forming, has fallen far below the freezing point.

This may be rendered, at least, probable by a simple experiment. Take two flat pieces of ice in your mouth, rubbing off with your tongue any roughness which may be upon them; then bring them together, and wherever the surfaces come into contact with each other, the water between them will immediately congeal, and they will become one solid mass.

The appearance of hailstones will universally agree with this account; for in the centre of each there will be found a gray, porous nucleus in a shell of solid, transparent ice, and smooth on the surface when they fall in rain; but if no rain fall with them, which sometimes happens, they will be ragged masses of gray, porous ice. It is easy on the above principle to account for both these appearances.

If we consider the analogy between hail storms and whirlwinds, it will tend to strengthen the hypothesis. It is evident they both have their waxings and wanings. This is evident to every beholder of common whirlwinds, that after a violent exertion they will appear almost to die away, then acquire new strength and act as vigorously as before.

To an instance analogous to this I was a witness in the trace of a hail-storm, which passed down South-Yadkin in June, 1793. The cloud, which passed a few miles south of the place where I was, appeared extremely dense, attended with hard thunder, and carried with it the appearance of a violent tempest.

Its passage was from west to east. On the second ensuing day I visited a farm, where it had made terrible devastation. A considerable quantity of forest timber was broken, a number of fruit trees torn up, wheat, rye, &c., almost entirely ruined by hail, and the corn so scat-

From Tennessee river to the territory, which for the most part is almost one continued plain, the country, for ages past, appears to have been exposed to hurricanes; as many trees of a large size may be seen on the hillocks raised by their predecessors, when blown down.

tered that the farmer had his hands then employed in cropping it off by the ground to make way for a new set of leaves.

Though the cloud passed over a considerably populous country, yet no damage was sustained by hail to the westward. To the eastward the wind was not so violent, and only a few scattered hailstones for the distance of five miles, where a second effusion of hail fell, and near, another farm, of which the crop suffered nearly as much as on the other. The storm then changed its course about two points to the northward, and after passing four miles further another effusion fell on a third farm; and although several farms intervened between the first and the third, only the three sustained any considerable damage.

These effects can be rationally accounted for on the foregoing principles. Supposing a whirlwind to attend the storm, of which there were the most evident traces, it is easy to see how part of the cloud, when carried up by one exertion of the whirlwind, at one place, would fall in hail in another.

An instance exactly similar may be seen in the trace of a hurricane, in the forks of Cole's Creek in the Mississippi territory. There may be seen a dense forest of the sturdiest oaks laid almost universally prostrate. In following its trace there are evident marks of the waxing and waning of the wind, and the inhabitants informed me it was the same with a heavy hail which accompanied the hurricane. For the distance of four miles, scarcely a trace of the storm could be seen, and then the timber prostrate as before.

To the whole of this theory it may be objected, that many showers of large hail fall, when there is little or no wind on the surface of the earth.

To this it may be replied, that this is no evidence that there is no wind in the higher regions of the atmosphere. On the contrary, many clouds exhibit evident tokens of the most violent commotions, when there is perfect calm on the surface. This is found to be a fact by the balloon-voyagers who are often exposed to violent tempests, if we can give them credit, when the atmosphere is calm beneath.

APPENDIX.

When the foregoing history was begun, it was my intention to have drawn it out to greater length; but the weight and diversity of my professional business obliged me to bring it into narrow bounds.

Respecting the sources from which my information has been drawn, they are as follows, What respects the settlement of the French was taken from a history of Louisiana, written by a Frenchman, of which I had only a cursory glance while in the territory.

Respecting the different claims on the territory, my information was chiefly from the report of the Attorney general of the Union, made by order of Congress concerning said claims. The remainder was taken from conversation with some of the most enlightened citizens, and my own observations.

As it may be supposed that every country has its advantages and disadvantages, the reader may say, that in the foregoing history the account must, at best, be partial, as the advantages are stated but the inconveniences are omitted. To this it is replied, that in such a southern clime the winter season is a time in which a stranger from one more northwardly, will take up the most favourable idea of a country.

This consideration was strongly impressed on my mind, while in the territory, which led me particularly to enquire with what inconveniences their advantages were balanced.

According to my best information they may be reduced to the following. White men who had emigrated there from more northern climes informed me, that they found in the Summer an enervation and weakness of body, which rendered them unfit for such hard and incessant labour as that to which they had been accustomed. This is reasonable to suppose; for although the Summer be not intensley hot, yet the mildness and warmth of the Winter deprives them of that bracing of the solids which the body would acquire in a colder region.

The citizens also informed me, that in Summer the human species are greatly infested with musketoes, and the beasts to an excessive degree with flies,

To conclude, from every view I was able to take of that country, it appears to be a place where property may, generally, be more easily obtained than any place in the Union; and if the citizens be wise and good enough to improve the blessings which a beneficent Providence is holding out to them, they need not be wanting in any thing which has a tendency to promote human happiness.

N. B. The Author's information, as to the number of inhabitants in the territory was to himself very doubtful; and he now sees from the census that it was very erroneous, as it stated more than double their number.

FINIS.

[The page references are here left blank since they do not correspond to those given in the original edition.—EDITOR.]

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ERRATA.

- Page —, line —, for being, read “lying.”
- Page —, line —, omit “the.”
- Page —, line —, for promulgued, read “promulged.”
- Page —, line —, for strait, read “straight.”
- Page —, line —, for scape, read “scope.”
- Page —, line —, after footman insert “can.”
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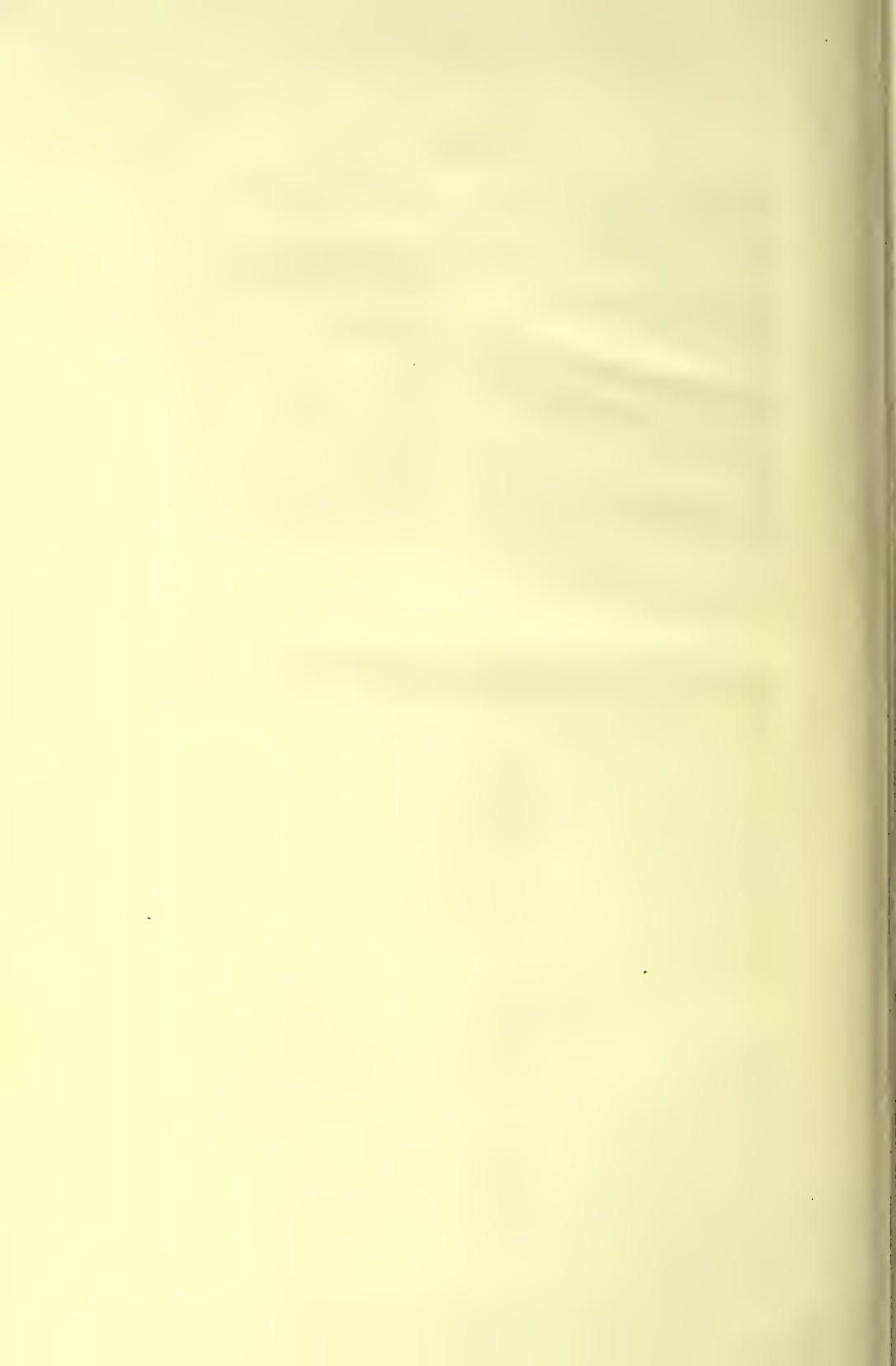
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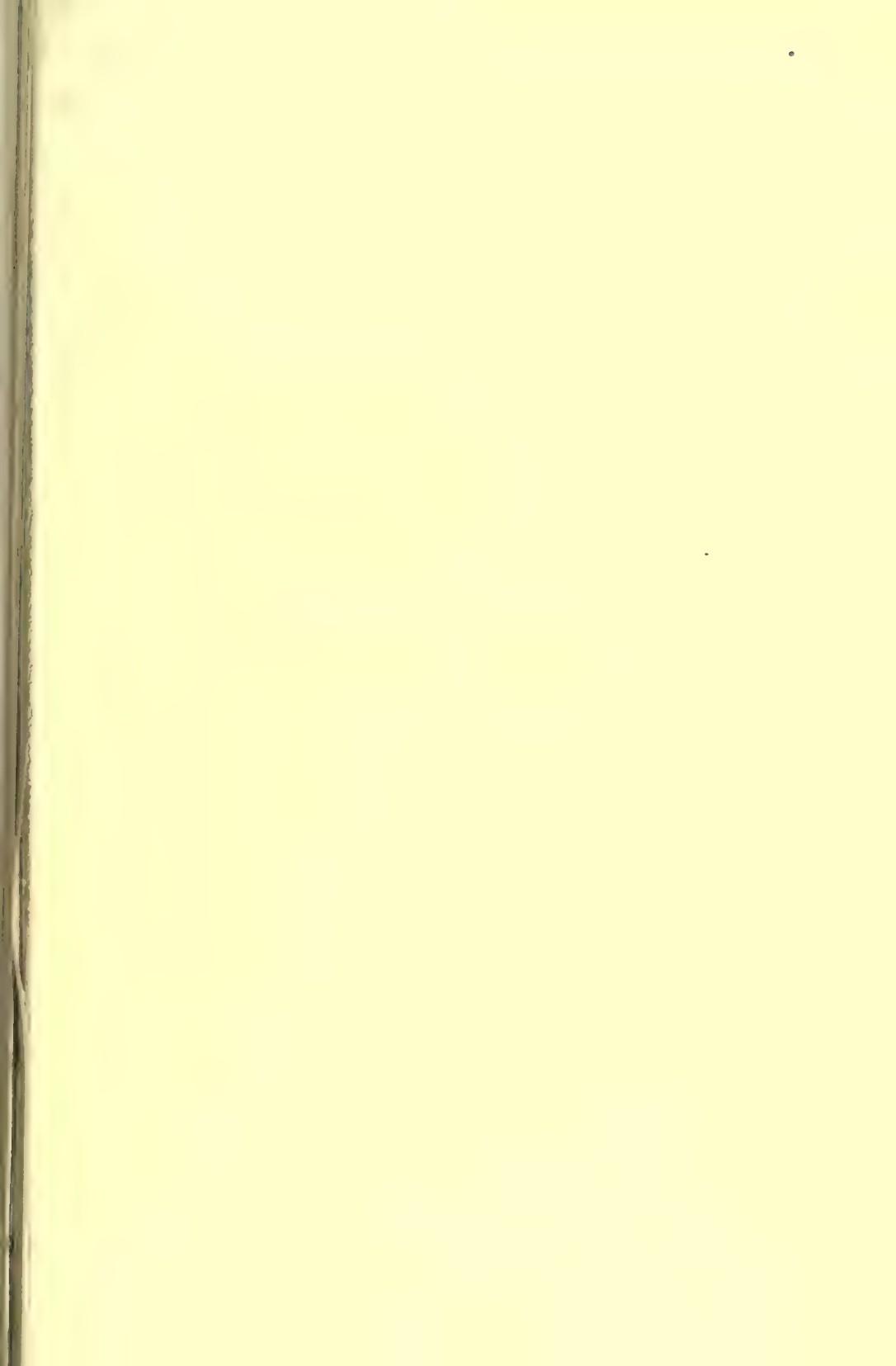
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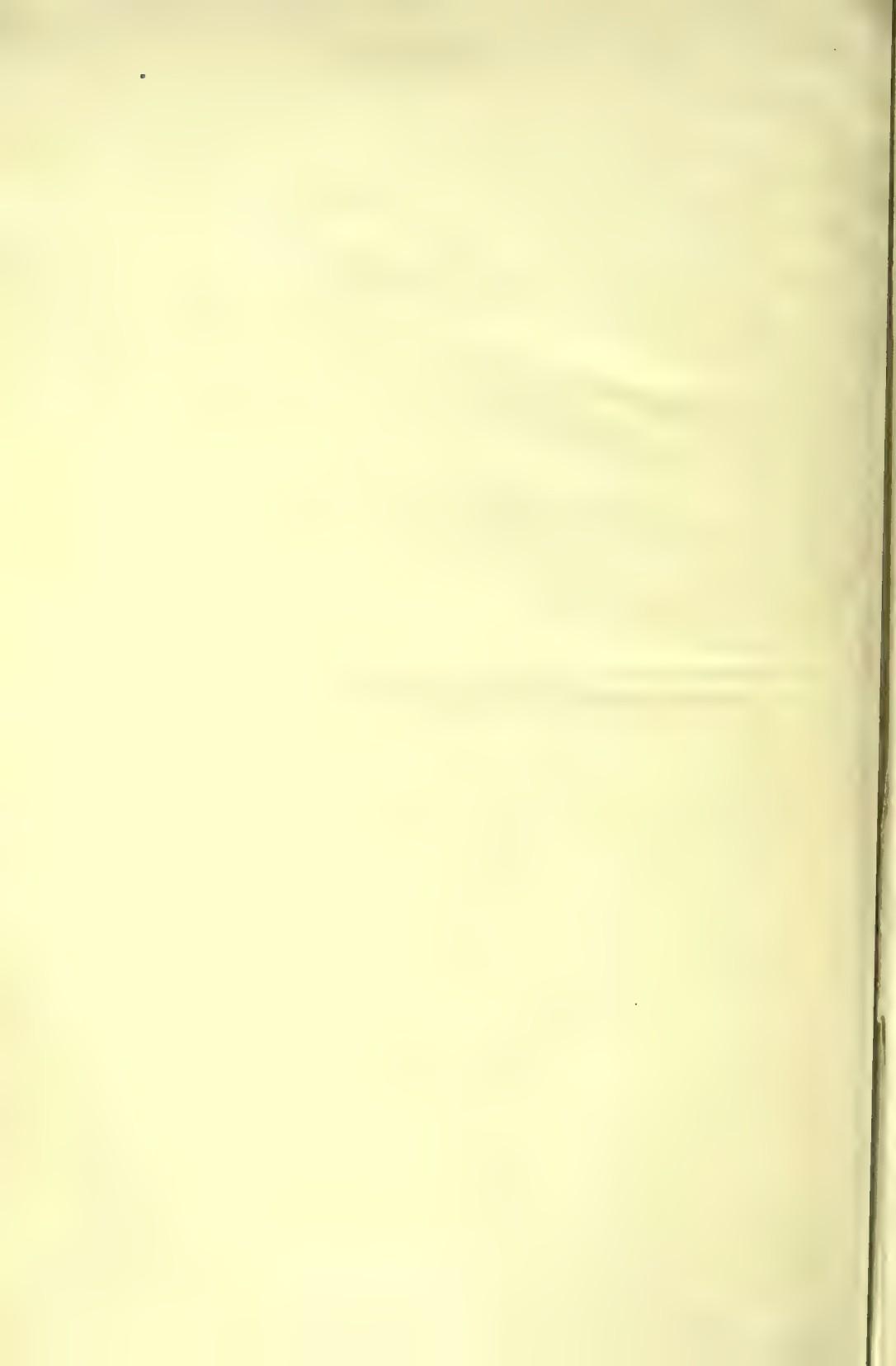
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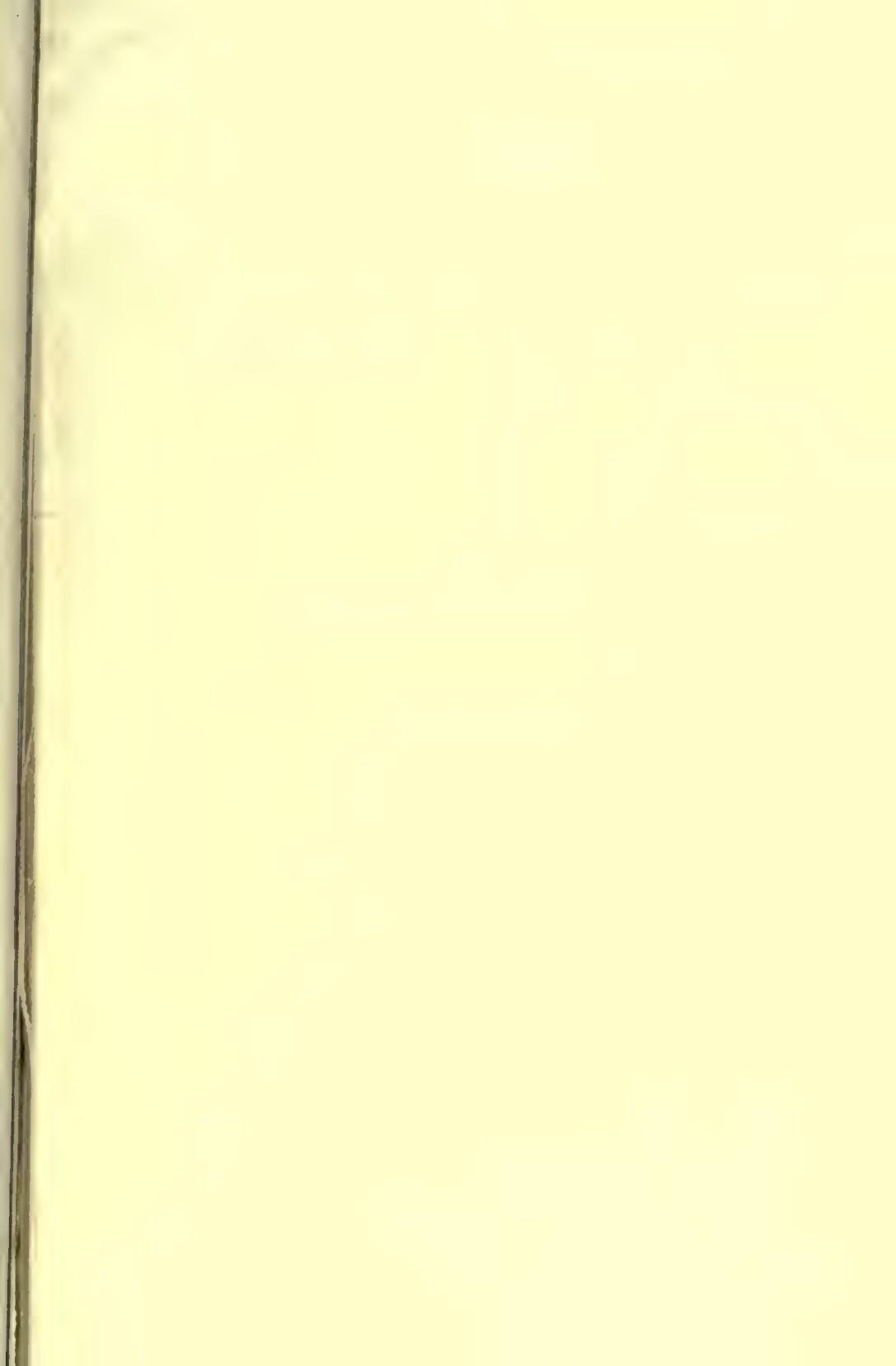
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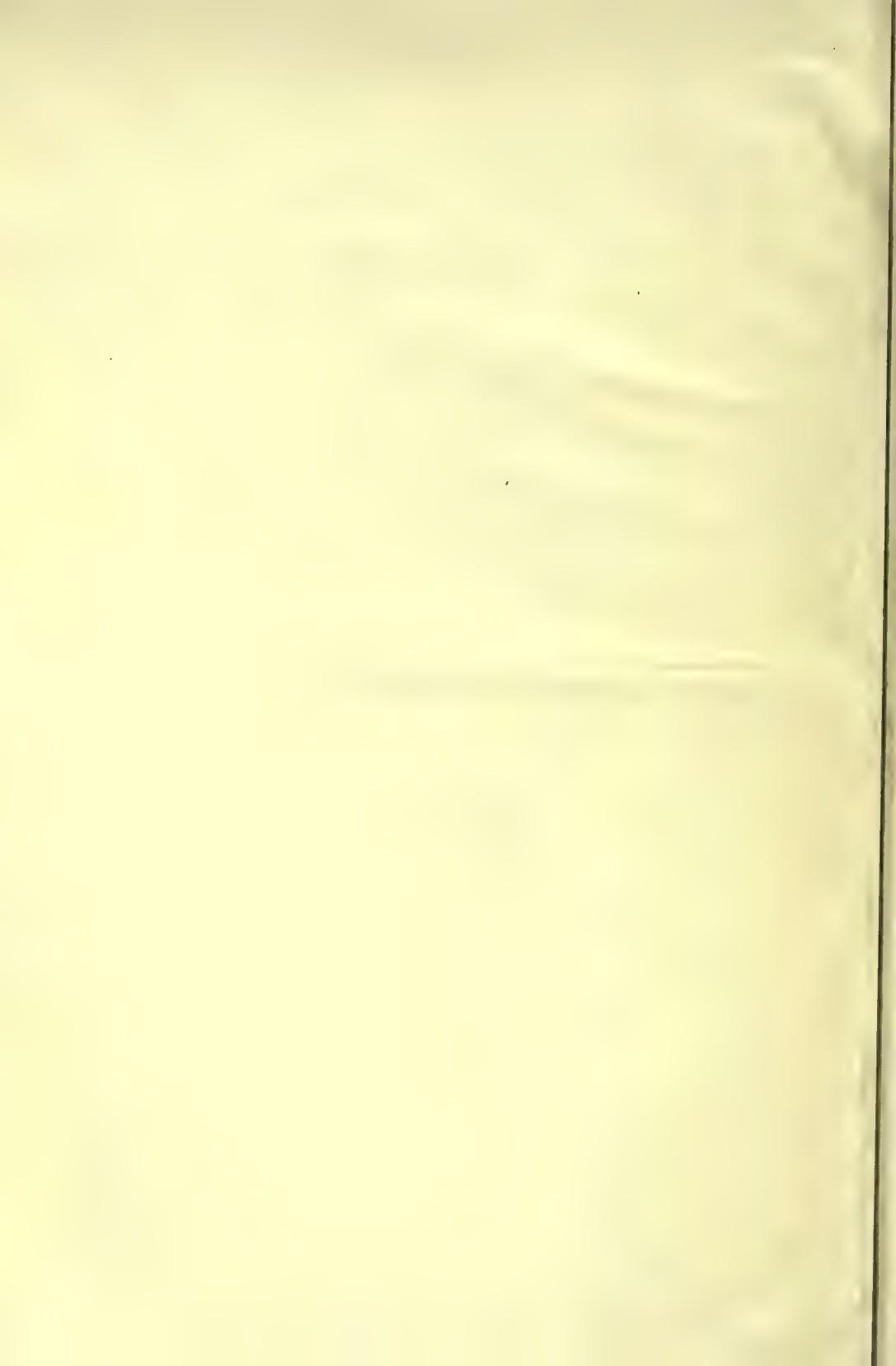
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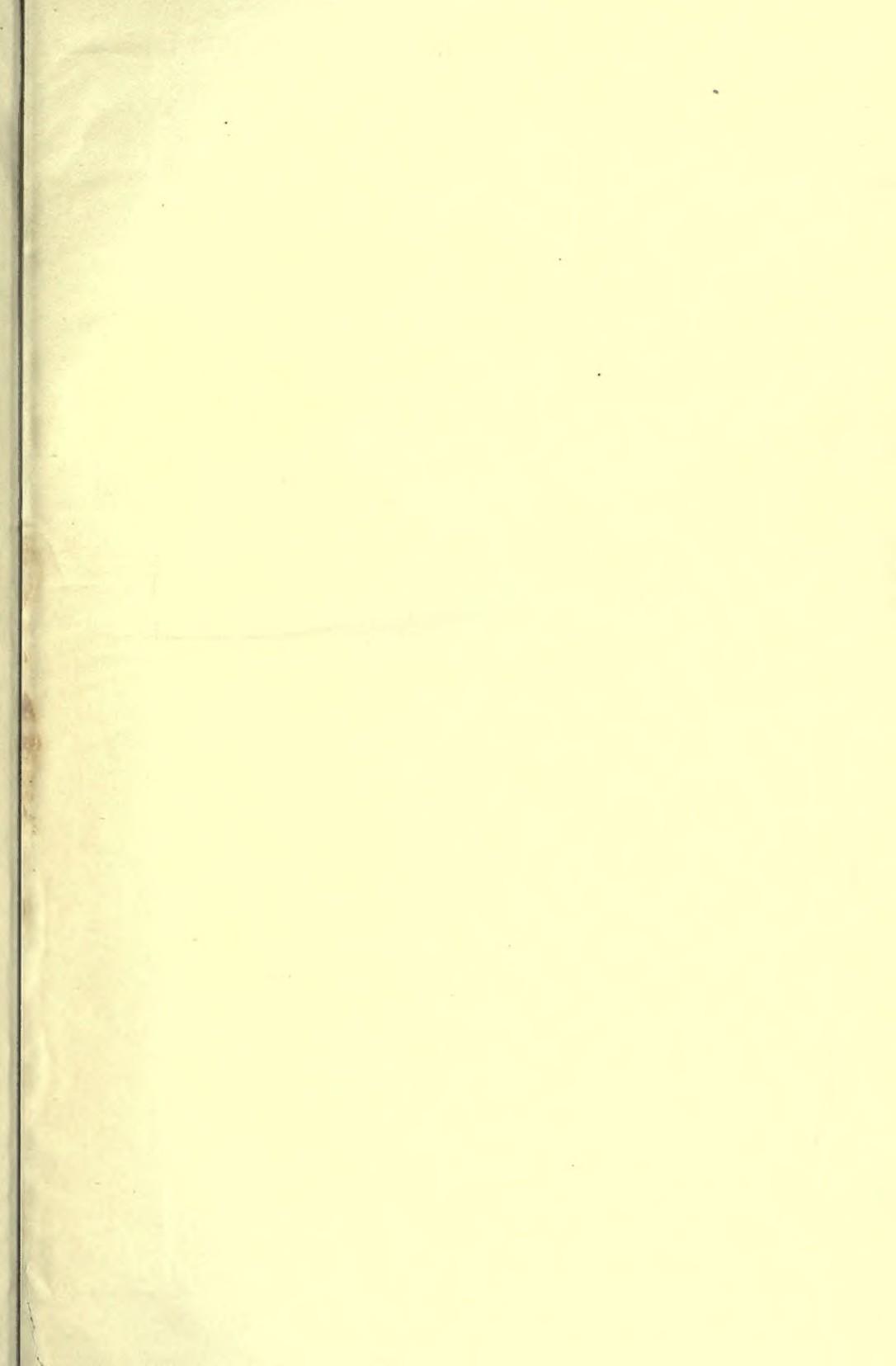


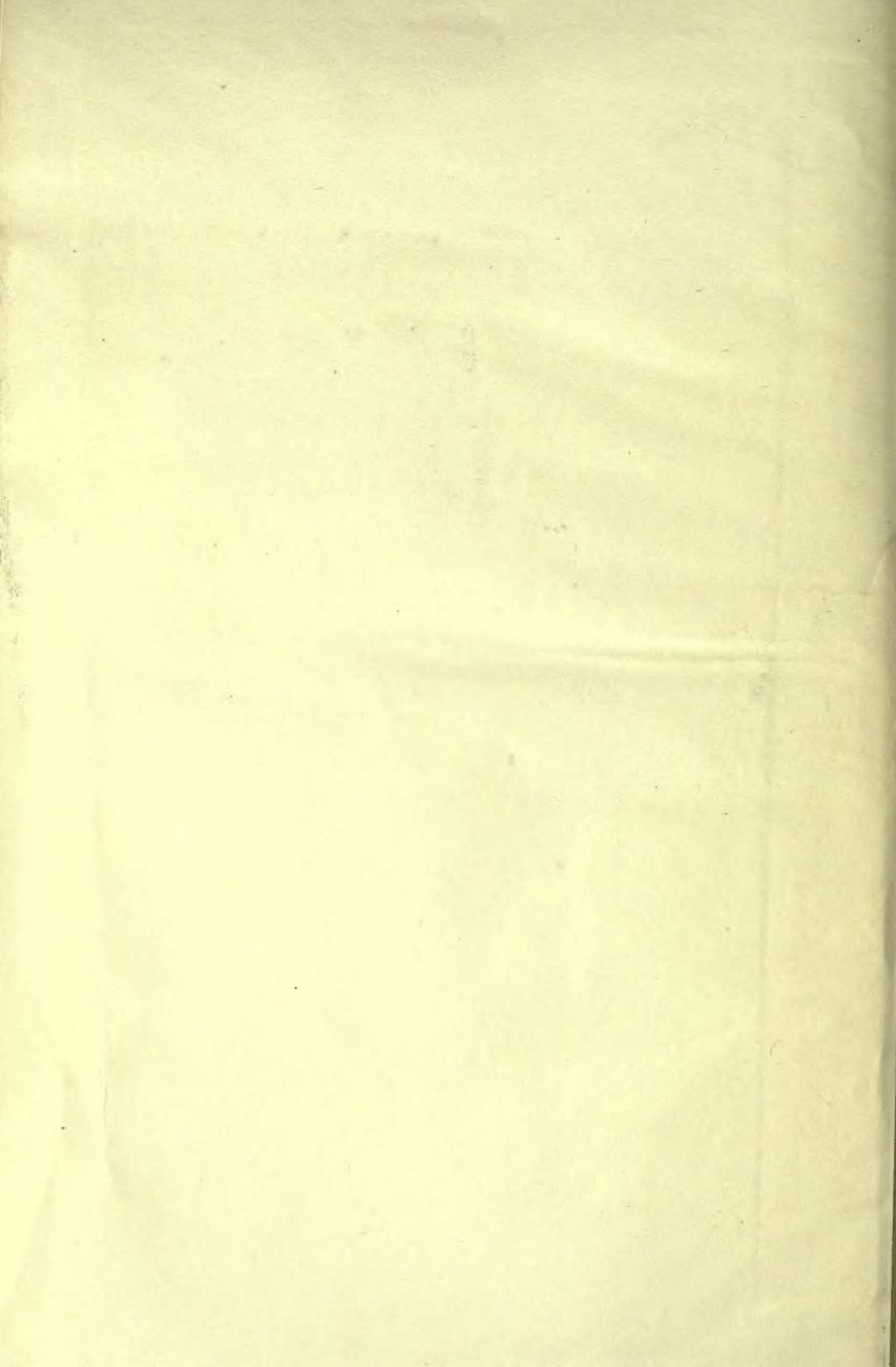












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